THE SINGAPORE SYMPOSIUM

THE CHANGING ROLE OF THE UNITED NATIONS IN CONFLICT RESOLUTION AND PEACE-KEEPING

13-15 MARCH 1991

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Sponsored jointly by The Institute of Policy Studies of Singapore and the
United Nations Department of Public Information
with the support of the Governments
of Singapore and Japan

UNITED NATIONS

While in their official capacity many of the participants are representatives of their Governments or hold positions of responsibility in various governmental ministries and agencies or in non-governmental institutions, their remarks at the symposium should not necessarily be taken as reflecting the official position of those Governments or institutions. Nor do any remarks necessarily reflect the official policy of the United Nations or any of its Member States.

INTRODUCTION

From 13 to 15 March 1991, 63 experts from 16 countries and the United Nations—senior officials, diplomats, academics, journalists and other specialists—gathered in Singapore for a three-day symposium on "The changing role of the United Nations in conflict resolution and peace-keeping". The symposium was co-sponsored by The Institute of Policy Studies of Singapore and the United Nations Department of Public Information, with the support of the Governments of Japan and Singapore. Its purpose was, first, to provide a forum for an exchange of ideas on the subjects of conflict resolution, peace-keeping and regional security efforts; and second, to generate a better public understanding of the evolving role of the United Nations in these areas.

Co-Chairmen for the event were Tommy Koh, Director of The Institute of Policy Studies of Singapore and Ambassador-at-Large, Ministry for Foreign Affairs of Singapore; and Hisashi Owada, Deputy Foreign Minister of Japan.

Over the three-day period, participants discussed six major themes: the United Nations and conflict resolution, the evolving role of UN peace-keeping operations, the UN operation in Namibia, the peace process in Central America, the contribution of regional arrangements in promoting peace and security, and the UN peace plan for Cambodia. At each session, formal presentations were followed by comments and discussion.

While there was broad agreement among the participants on the importance of UN conflict resolution and peace-keeping, there was none the less disagreement on some key points. The consensus was, however, that these disagreements pointed to the evolutionary nature of UN activity in these areas, and that change at the United Nations would come incrementally. At the same time, there were certain common threads of concern expressed throughout the symposium. Chief among them was how the principle of non-interference in the internal affairs of States could be applied in the current age, when, at the end of the cold war, many conflict situations were within the boundaries of nation States. On this subject, it was agreed that more careful thought was required.

MESSAGE OF THE SECRETARY-GENERAL OF THE UNITED NATIONS

Distinguished delegates to the Singapore symposium:

As you begin your deliberations on the changing role of the United Nations in conflict resolution and peace-keeping, it is a pleasure for me to share some thoughts with you on this important subject. First of all, I would like to offer you my encouragement in this undertaking. At the same time, I would like to express my thanks to The Institute of Policy Studies of Singapore for acting as host and co-sponsor of the symposium and for the additional support of the Government of Japan.

This symposium is a clear indication of the international community's interest in United Nations efforts to meet new challenges in a rapidly changing world. Both Singapore and Japan have been staunch supporters of those efforts, consistently pointing to the need for international cooperation, at the United Nations and at the regional level, in settling disputes between States. As an example, Singapore, jointly with the other members of the Association of South-East Asian Nations, has worked patiently over many years to contribute to finding a solution in Cambodia. Japan, too, has taken an active part in this search and hosted the Tokyo meeting on Cambodia in June 1990. Both nations have given generous financial support to United Nations peace-making and peace-keeping operations.

The Singapore symposium comes just as the world has passed through a trying and painful time. Since August 1990, the attention of the international community has been focused on the crisis in the Persian Gulf. For the United Nations, the crisis was a severe test of the Organization's capacity to establish the rule of law in international relations. The 13 relevant resolutions of the Security Council, and especially resolution 678 authorizing the use of force, will be the subject of comment and analysis for years to come. One crucial consideration will be the importance of these resolutions in upholding the rule of law and safeguarding the sovereignty, independence and territorial integrity of Member States.

The United Nations Organization will now have to show how it is equipped to deal with the challenges of peace in the areas of humanitarian work, peace-making and peace-keeping.

Our work in the humanitarian field should prove that this Organization firmly believes that peace starts first with respect for human rights, with compassion for our fellow men and with the setting into place of the network of human solidarity with those who are suffering, irrespective of the causes that brought about that suffering.

With regard to peace-keeping, we stand ready to carry on with the long tradition which has proven over and over again that soldiers without weapons can make an important con-

tribution in decreasing tensions and in the restoration of mutual trust.

As for our peace-making role, the time may have come for Member States to make full use of the Organization's ability, perhaps through its Secretary-General, to be a facilitator for the establishment of political arrangements leading to a code of conduct acceptable to all.

Let me leave with you a further thought for your consideration. The desire of many to transform the United Nations Organization into a real mechanism for preventive diplomacy still requires much work. Preventive diplomacy means not only respect for the principles of international law by all but also respect for human rights within every country of the globe. A refreshed political will, long-term thinking and a clear understanding of the means that can be employed for making, keeping and building the peace are absolute essentials for success in this endeavour.

My best wishes for a successful symposium.

JAVIER PÉREZ DE CUÉLLAR

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PROGRAMME AND FEATURED SPEAKERS

OPENING ADDRESSES Pg. 1

I

Wong Kan Seng
Minister for Foreign Affairs of Singapore

Hisashi Owada
Deputy Minister for Foreign Affairs of Japan

THE UNITED NATIONS AND CONFLICT RESOLUTION Pg. 7

II

Olara A. Otunnu
Harvey J. Feldman
Yuri Fedotov

THE EVOLVING ROLE OF UNITED NATIONS PEACE-KEEPING OPERATIONS Pg. 20

III

Marrack Goulding
Clive Milner

CASE-STUDY: THE UNITED NATIONS OPERATION IN NAMIBIA Pg. 33

IV

Marrack Goulding
Ingrid Lehmann

CASE-STUDY: THE PEACE PROCESS IN CENTRAL AMERICA Pg. 42

V

Alvaro de Soto

THE CONTRIBUTION OF REGIONAL ARRANGEMENTS IN PROMOTING PEACE AND SECURITY Pg. 51

VI

Michael J. Costello
Claus Vollers
Jusuf Wanandi

THE UNITED NATIONS PEACE PLAN FOR CAMBODIA Pg. 65

VII

Rafeeuddin Ahmed
Kishore Mahbubani
Le Kim Chung

SUMMARY AND CONCLUSION Pg. 80

VIII

Co-Chairmen

List of Acronyms

APEC	Asia-Pacific Economic Cooperation Council
ASEAN	Association of South-East Asian Nations
ASEAN PMC	Association of South-East Asian Nations Post-Ministerial Conference
CSCA	Conference on Security and Cooperation in Asia
CSCAP	Conference on Security and Cooperation in Asia and the Pacific
CSCE	Conference on Security and Cooperation in Europe
DPI	United Nations Department of Public Information
DPRK	Democratic People's Republic of Korea
ECOWAS	Economic Community of West African States
ESCAP	Economic and Social Commission for Asia and the Pacific
FMLN	Frente Farabundo Martí para la Liberación Nacional
GDR	German Democratic Republic
ICRC	International Committee of the Red Cross
ISIS	Institute of Strategic and International Studies
JIM	Jakarta Informal Meeting
NAMFREL	National Movement for Free Elections
NATO	North Atlantic Treaty Organization
NGO	non-governmental organization
OAS	Organization of American States
OAU	Organization of African Unity
ONUCA	United Nations Observer Group in Central America
PICC	Paris International Conference on Cambodia
SNC	Supreme National Council
SWAPO	South West Africa People's Organization
UNDP	United Nations Development Programme
UNEF	United Nations Emergency Force
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFICYP	United Nations Peace-keeping Force in Cyprus
UNHCR	Office of the United Nations High Commissioner for Refugees
UNIFIL	United Nations Interim Force in Lebanon
UNIIMOG	United Nations Iran-Iraq Military Observer Group
UNTAC	United Nations Transitional Authority in Cambodia
UNTAG	United Nations Transition Assistance Group
UNTSO	United Nations Truce Supervision Organization
WEU	Western European Union
WHO	World Health Organization
ZOPFAN	Zone of Peace, Freedom and Neutrality

I

OPENING ADDRESSES

ADDRESS BY WONG KAN SENG

Minister for Foreign Affairs of the Republic of Singapore

Peace-keeping is one of the most important innovations of the United Nations. In recent years, UN peace-keeping activities have played a helpful role in many conflict situations. In 1948, the first UN peace-keeping operation, the United Nations Truce Supervision Organization (UNTSO), was created to monitor an uneasy truce in the Middle East. Since then, 18 other UN peace-keeping operations have been established. The achievements of the United Nations in peace-keeping were recognized by the award of the Nobel Peace Prize in 1988. The end of the cold war and the war in the Persian Gulf provide an opportunity for the United Nations to re-examine its role in the resolution of conflicts and peace-keeping.

Singapore is hosting this symposium on "The changing role of the United Nations in conflict resolution and peace-keeping" because of our commitment to the United Nations. We want to help enhance the effectiveness of the United Nations in maintaining international peace and security. We have, in the recent past, made two small contributions to UN activities in this field. We made a small contribution of police monitors and election supervisors to oversee the elections that led to the independence of Namibia. We sent a small medical team to join the multinational force in the Persian Gulf. We are prepared to take part in other UN peace-keeping efforts when called upon to do so.

Let me now turn to touch briefly on three issues regarding the nature of the post–cold war world order and the role of the United Nations in the new order.

First, is it premature to assume that the cold war has ended? Will domestic conflict and upheaval in the Soviet Union harm relations between Moscow and the West? If the hard-liners regain power in the Kremlin, will it lead to a new discord between the two super-Powers? In the Persian Gulf war, the United States and the Soviet Union have cooperated to achieve UN Security Council objectives, even though there were different pulls in the final days of the war. This cooperation must be sustained in the search for a comprehensive peace in the Middle East. Without US-Soviet cooperation, the Security Council could once again be paralysed as it was for decades after its creation.

Second, the UN Security Council works well when the five permanent members are able to agree and can win the support of at least four other members of the Council. We have seen this in the Persian Gulf crisis. But is the Security Council's role in the Persian Gulf a unique case or a precedent for the future? We should study ways to ensure that the United Nations can work just as effectively in the future, even under different conditions. The five permanent members have to work constantly to win over the trust and confidence of the other UN Member States to ensure that they are not seen as a superior "Directorate" imposing their views on other States.

Third, we in Asia must come to grips with what Japan should do for international security. Americans have criti-

cized Japan for not doing enough in the Persian Gulf crisis. They want Japan to share both the human and financial costs. The dispute threatens to damage United States–Japanese relations. But many in Asia are afraid that American demands and pressures will push Japan to become once again an independent military Power. The Japanese do not want to develop in that direction given the legacy of history, the sensitivities of its neighbours and the strong pacifist sentiments at home. How then do we engage Japan in questions of security? Japan would need to earn the trust of its Asian neighbours in order to take on peace-keeping roles under UN auspices. Perhaps the time has come for Japan to have a full, comprehensive and frank dialogue with its Asian neighbours to ensure that no misunderstanding develops between Japan and its Asian neighbours as it undertakes greater global responsibilities.

Turning to South-East Asia, Cambodia will be a prime target of UN peace-keeping efforts. We have seen Viet Nam move from rejection to implicit acceptance of a UN peace-keeping force. But we urge Phnom Penh and Hanoi to accept quickly the UN consensus on a political solution. If they delay further, the world will reach the end of its patience with the Cambodian problem. They may miss the last chance for peace and, tragically, not reap the dividends that would flow their way from a peace settlement.

While the cold war as a particular phase in history may have passed, it is not the end of history. Neither does it signal the end of all conflicts. What will replace the old order? Will it be a world dominated by one military hegemon, the United States? Will there be a new balance of power? If so, between whom? Will the new world order be based upon the UN collective security system at the global level and regional arrangements such as the Conference on Security and Cooperation in Europe (CSCE)?

These are some of the questions that confront us. They go beyond the immediate problems of peace-keeping. However, these are the questions that need to be addressed as we try to reflect on the role that the United Nations, including the UN peace-keeping functions, will play in the coming years.

I sincerely hope that in the next three days your deliberations on conflict resolution and peace-keeping will be fruitful. I wish all of you a pleasant stay in Singapore.

ADDRESS BY HISASHI OWADA

Deputy Minister for Foreign Affairs of Japan

I feel highly privileged to be offered the honour of chairing this important symposium jointly with my good friend, Ambassador Tommy Koh, and to have the opportunity to share with you some of my thoughts on the role of the United Nations in peace-keeping and conflict resolution. I shall try to offer my comments from the perspective of a country which has always attached great importance to the activities of the United Nations in this field.

It is almost a truism to say that the international system is now undergoing a period of truly historic transformation. Typical of any period of major transition in history, it is fraught with uncertainty and instability. Thus, in his annual report to the forty-fifth session of the General Assembly, UN Secretary-General Javier Perez de Cuellar succinctly summed up the present situation as "an extraordinary point in time when developments are taking place so rapidly that today's perspective on a situation may have shifted tomorrow". While this inevitably makes any observation tentative, I, like our esteemed Secretary-General, propose to look first at the brighter side of the picture.

In this period of great structural upheaval in the international system, earnest efforts are steadily under way in the

international community to establish a new international order through dialogue and cooperation. In working to contribute to the construction of a better and more peaceful world, the international community has to make every conscious effort in the pursuit of peace and stability in the world.

The maintenance of international peace and security with justice is essential to the very survival of the world community. In this regard, Japan lays great hope upon the capacity of the United Nations and its vital role for peace-keeping and peace-making in the world of today. Indeed, throughout the past year in particular, the world has come to witness the revitalization of the capacity of the United Nations to resolve conflicts. The crisis in the Persian Gulf, triggered by an outright act of aggression committed by Iraq against a fellow Member of the United Nations, Kuwait, in blatant violation of the most fundamental norms of international law enshrined in the Charter of the United Nations, has abundantly demonstrated that the United Nations has an important, and indeed critical, role to play as an Organization entrusted with the primary responsibility of maintaining peace with justice in this period of great structural transformation of the international system.

It is most timely under these circumstances that we reassess and reascertain the role of the United Nations in conflict resolution and peace-keeping against the background of this emerging new reality of the international system. In so doing, it is important to bear in mind that for the first time since the establishment of the United Nations, the basic structure of bipolar confrontation between the two power blocs is fast disappearing; and that, somewhat paradoxically, the need for controlling new conflicts emanating from a variety of factors, such as ambition for regional hegemony, or rivalry on ethnic and religious grounds, which had somehow been contained in the structure of East-West confrontation of the older period, has become all the greater.

It would be almost otiose to state at this juncture that historically the value of the United Nations has depended to a great extent on the effectiveness of its peace-keeping efforts. If one looks at the past history of the United Nations, one can confirm that when those efforts were successful, the prestige of the Organization was enhanced and that this in turn has enabled the Organization to discharge the tasks that have been entrusted to it in a more effective manner. Peace-keeping operations have provided a practical means through which the United Nations could directly intervene in the efforts to quell and settle regional conflicts, on the basis of the consent of the parties involved. The steady achievement of the United Nations in this area has been gaining worldwide recognition.

Given the increasing importance of the peace-keeping operations of the United Nations in the present setting where the Cambodian situation, the post-Persian Gulf crisis developments and a host of other contingencies are waiting for effective international intervention, and given the current strong international interest in the potentialities of the United Nations in these fields, a critical review of the various aspects of peace-keeping, with a view to

discovering new potentialities in response to the new requirements of the international environment, would seem most appropriate at this time in order to enhance further their viability.

Let me start by referring to some new trends which are discernible in UN peace-keeping operations.

First, it is becoming increasingly clear that every peace-keeping operation is more or less unique, just as each situation in which it is deployed varies greatly in its characteristics. Flexibility and pragmatism will thus have to be the essence of the success of a peace-keeping operation if it is to cope with the specific situation in which it is deployed. Further scrutiny of all aspects of past operations will therefore be recommended in order to make their future application more effective and responsive to the changing needs of the situation.

Second, the need for diversification of UN peace-keeping is a newly felt task that has recently gained attention. New challenges require a greater variety of services. The deployment of civilian personnel seems to be particularly important in this regard. We welcome the inclusion of a strong contingent of civilian personnel, and believe that such a contingent of civilian elements can be expected to discharge a wider range of responsibilities in any peace-keeping operation.

In this regard, the report submitted last year by the Secretary-General on the "Use of civilian personnel in peace-keeping operations" [A/45/502] lists many tasks and services that could be performed by either military or civilian personnel and concludes that civilian personnel will surely have an important role to play in UN peace-keeping operations. In particular, it would seem highly desirable that future UN operations in areas like Cambodia and Western Sahara be established with an optimum balance between the military and the civilian components. The size of the right mix of the respective components, military and civilian, may of course vary depending on the characteristics of the individual situation.

Third, new thinking seems also to be required in the area of conflict prevention. While attention has been focused in recent years on expanding the scope and the size of peace-keeping operations, the need for new ideas for an expanded UN role in the area of conflict prevention is being keenly felt. In this regard, the adoption of the "Declaration on the prevention and removal of disputes and on the role of the United Nations in this field" [A/RES/43/51] at the forty-third session of the UN General Assembly can be considered as representing the general agreement of the international community that the UN system should play a crucial role in the prevention of conflicts.

Particularly promising among efforts to be pursued in a new era of dialogue are the potentialities of the United Nations in the area of preventive diplomacy, to be conducted through various organs of the United Nations for warning against an approaching danger of conflict and for lowering the level of tension. If such a system can be made to work in a situation where international peace and security are likely to be threatened, the United Nations can intervene at an early-enough stage and conduct activities, including fact-finding, which will reduce the possibility of a likely conflict. It would constitute a particularly effective means of preventing the escalation of a dispute and thus be conducive to stabilization of the dangerous situation.

The financing of peace-keeping is another major area where creative thinking would seem to be desirable. The principle that sound financing is to be secured is one of the most basic prerequisites for keeping UN peace-keeping effective and practicable.

Total UN costs for peace-keeping in 1989 amounted to about $US1 billion. This is a sum which is almost equal to the size of the regular budget of the entire Organization. In this situation, it is of utmost importance that Member

States be prepared to bear their share of collective responsibility in financing peace-keeping operations through both assessed contributions and voluntary contributions. A shortage in the necessary financial resources will not only endanger the capability of the United Nations to carry out peace-keeping operations but also put an excessive and unsustainable burden on those countries which contribute personnel to the operation. While paying high tribute to the dedicated and invaluable services that these countries are offering to peace-keeping operations, we should try to find effective ways for bringing about a more equitable sharing of the burden involved.

As far as the Government of Japan is concerned, it has always regarded the peace-keeping activities of the United Nations as one of the Organization's most important functions and has consistently made substantial voluntary financial contributions, so that the financial side of the peace-keeping operation might not be jeopardized. However, the recent increase in the scale and frequency of peace-keeping operations makes it imperative for us to direct our attention to a more fundamental examination of this aspect. The capacity of the United Nations to respond swiftly and effectively to an emerging situation can be ensured only if financing for the start-up phase of the peace-keeping operation is secured. In order to meet this need, the Secretary-General has already set up the "Trust Fund in support of United Nations Peace-making and Peace-keeping Activities". We in Japan highly appreciate this initiative, and in support of this initiative contributed in 1989 and 1990 a total of $5 million to the Fund. We plan to increase substantially our contribution for this purpose in 1991, and hope that as many Member States as possible will likewise support the Fund.

Another item for our consideration will be how to make use of the national experiences gained through the dispatch of personnel in a peace-keeping operation.

In recent years, Japan has been increasingly active in seizing the opportunity to participate in UN peace-keeping operations in their non-military aspects, such as the supervision of elections in Namibia, Nicaragua and Haiti. Even prior to our participation in these activities, through the dispatch of civilian personnel, we had also provided UN peace-keeping activities with political officers who would participate in other traditional peace-keeping operations. What is significant about this effort on our part is that the successful experience of participation in these operations by Japanese personnel has been conducive within our country to a better understanding of and more positive support for UN activities in this area. The Japanese youths who took part in the Namibia and Nicaragua operations came back with strong support for the UN operations in this respect and a greater understanding of the national development efforts of those countries. They have expressed the desire to seek further opportunities to participate in a similar operation. In addition, as a result of the wide coverage that these efforts have received in Japan's media, there has grown strong and encouraging support for UN peace-keeping activity and a commitment among the Japanese public at large to more active cooperation in this field.

This is truly an important development for Japan, since Japan, which has attained a remarkable degree of achievement in the economic sphere through a prolonged period of peace and stability since the end of the war, is now finding itself in a position to reflect seriously upon the problem of how to carry out its broader responsibility to the international community commensurate with its newly acquired power. Indeed, the recent Persian Gulf crisis has brought to the surface one existential problem for Japan as a nation, which has been inherent in the body politic of Japan within the post–Second World War international system. It is the problem of how to come to terms with the dichotomy between the expectation of the outside world that Japan should contribute more actively to the maintenance and consolidation of the international order for peace and security, from which Japan has so long been a mere beneficiary, and the determination of the Japanese people, based on the past experience of war, that the country should never again be engaged in a non-peaceful activity in international relations.

The heated debate that is currently going on in Japan for finding a solution which would enable Japan to participate more actively in the peace-keeping activities of the United Nations within the framework of its Peace Constitution surely is a remarkable demonstration on the part of the Japanese people of the soul-searching reappraisal of this most fundamental problem. I trust that the Japanese people will succeed in finding ways to be able to contribute to the cause of world peace by full-fledged participation in UN activities for the maintenance of international peace and security, in a manner consistent with its Peace Constitution.

What I have been trying to offer in this brief intervention is nothing but a few of my fragmentary thoughts about the theme of the present symposium. Let me conclude my remarks by emphasizing that in an emerging new reality of interdependence within the international community, no nation can achieve its own peace and prosperity in isolation from the overall international environment in which peace and security with justice are maintained and ensured.

It is on the basis of this recognition that renewed trust in the capability of the United Nations as the primary world Organization dedicated to the maintenance of international peace and security on a global scale is emerging at the present juncture. I should be more than happy if the few points of suggestion that I have tried to make in this brief intervention, unstructured and inconsequential as they may be, could serve the purpose of providing some food for thought and stimulate the discussion at the present symposium.

Thank you.

OLARA A. OTUNNU

II
THE UNITED NATIONS AND CONFLICT RESOLUTION

The topic we are discussing is especially important for at least two reasons. First, even though the United Nations has for objectives a number of goals to fulfil, the central vocation of the Organization remains its role in relation to peace and security in the world. Thus the international public judges the performance of the United Nations in relation to its capacity to prevent war, to reduce conflict and to promote dialogue among nations. Second, with the end of the cold war, the international community at the global level breathes easier because the earlier threat of possible nuclear confrontation between the super-Powers has receded. But if we look beneath this global umbrella, the picture is quite different. With the exception perhaps of North America, Western Europe and this region where we are meeting, other regions of the world in fact are terribly afflicted by wars. At the regional and local levels, wars continue to be more or less the order of the day. For these two reasons, the role of the United Nations in conflict resolution could not be more important.

I want to divide my remarks into three sections which correspond to the graduated measures which the United Nations usually takes in response to conflict situations. First, there is the stage of prevention and persuasion; second, the use of non-coercive pressure, otherwise known as sanctions; and finally, as a last resort, the use of collective force (Article 42 of the UN Charter).

In relation to the stage of prevention and persuasion (Chapter VI of the Charter), I will confine myself to the role of the Secretary-General. While the confrontation between East and West lasted, the Secretary-General, on the whole, had to exercise a certain measure of self-censorship. In the new atmosphere which now exists within the Security Council, and especially among its five permanent members, there is in my view need for an informal understanding between the Secretary-General and the Security Council, especially the Five. Such an understanding would make it possible for the Secretary-General to have a slim margin of manœuvre, making him able to respond to situations in a quick, informal, flexible fashion. It should be possible for the Secretary-General to explore the available options and to prepare the ground for the Security Council to take more formal action.

Let me emphasize that this role is not possible without the encouragement and full support of the 15 members of the Security Council, especially the Five. Let me also add that, in my view, this role can be very complementary between the Secretary-General and the Security Council. We witnessed this in the mediation exercise that preceded the cease-fire between Iran and Iraq, where both the Secretary-General and the Security Council played active but complementary roles. This, then, is one possible aspect which needs to be further developed within the United Nations.

The second possible role for the Secretary-General is more formal, but also one which has remained dormant for a long time. The Charter provides in Article 99 that the Secretary-

General, when he deems it necessary, can seize the Security Council of any development that may threaten international peace and security. In the past, for the same reason that I gave earlier—strict self-censorship due to a well-founded concern not to antagonize one camp or the other—that Article was rarely used. Again, in the new atmosphere which exists, working in very close cooperation with the Security Council, the use of this particular Article needs to be further explored so that its full potential may be realized.

The third and final point concerning the role of the Secretary-General is not my idea, but one which has been advocated by Secretary-General Pérez de Cuéllar for some time now. It is his view that the Secretary-General's role in conflict resolution could be enhanced if the prerogative to seek an opinion of the International Court of Justice—now enjoyed by the Security Council and the General Assembly—was extended to the Secretary-General as well. To the best of my knowledge, this has never been seriously discussed, so that the pros and cons could be examined in order to see whether in fact this would provide a viable option for the Secretary-General. I hope these three ideas can be discussed more fully later in the session.

The second stage of the UN response to a conflict situation comes when a breach of the peace has occurred, prevention has been impossible and persuasion has not worked. The United Nations then moves to a second level of response, namely the application of non-coercive pressure, i.e. sanctions. In my view, this is an especially important weapon in the arsenal of the United Nations. And because it is so important, there is need today to discuss more fully the viability of this particular weapon. In what circumstances, for example, are sanctions likely to work? What is a reasonable time-frame for testing the effectiveness of sanctions? The Charter provides that before one moves from the use of sanctions to the use of collective force, there should be a determination of the inadequacy of sanction measures. How is this determination to be made?

In the aftermath of the Persian Gulf war, there has been much controversy surrounding the role of sanctions. When the dust has settled, it would be very useful for the Security Council to discuss policy guidelines as to how this weapon may be used in the future. There are two ways the Security Council could go about this. One way would be to constitute a committee of the Council itself to explore the full spectrum of the viability of sanctions. Or, alternatively, the Council could appoint an independent international commission which would hear expert witnesses, look at the historical cases and make policy recommendations to the Council for the future. The Council itself could then determine how best to use the commission's recommendations. In any event, there appears to be a need for a more systematic approach to the use of sanctions, in order to determine their effectiveness and when to proceed from sanctions to the next step—the use of force. I might add that the issue of the impact of sanctions on other States (Article 50 of the UN Charter) also needs to be addressed.

I now turn to the final stage in the graduated measures of response. The Charter clearly provides for the use of force as a last resort (Article 42) when the other options have been exhausted. Let me just say, in parenthesis, that since the use of force—"enforcement measures" in the language of the United Nations—in the Persian Gulf crisis, public reaction has been contradictory. On the one hand, what one might call "the traditional constituency" of the United Nations seems somewhat disoriented and dismayed, finding it difficult to accept the fact that the United Nations could be the instrument of waging war, even if that war was aimed at rolling back aggression. Others, who had considered the United Nations to be a soft option, a mere talking shop, a forum to which you could not entrust the serious busi-

ness of maintaining peace and security in the world, were pleasantly surprised by the response of the Security Council on this occasion. It is very important for the United Nations to build a bridge between these two divergent constituencies both of which are important for the success of the Organization.

The Charter is very precise with regard to the circumstances and the manner in which force is to be used. It provides that Member States, through special agreements, would put at the disposal of the Security Council contingents of their armed forces. It also provides that the Council would be responsible for planning the use of those contingents on the advice and with the assistance of the Military Staff Committee, composed of the Chiefs of Staff of the five permanent members of the Council. The Military Staff Committee would be responsible for the strategic direction of the armed forces at the disposal of the United Nations. Questions relating to command were to be worked out subsequently. The crucial issue here is that, elaborate and precise as these provisions are, no mechanism has in fact been worked out to make them operational. Thus, when the Persian Gulf crisis erupted, there was nothing to activate. The Security Council therefore adopted a pragmatic formula by "farming out" responsibility for conducting an enforcement operation to those Member States who were able and willing to do so. In the event, a particular Member State, the United States, exercised highly motivated volunteer leadership and took charge of the operation. Could this action be repeated in the future with the United States or some other Power at the helm?

The questions which arise in this connection are: Are the Charter provisions set down in 1945 concerning enforcement action now dated? Have political and military circumstances sufficiently changed to make them unworkable? Is the precedent set by the Persian Gulf war the wave of the future, the new way in which the United Nations will undertake enforcement measures? In any event, the control and command of enforcement operations is a crucial question which remains to be clarified by the Security Council.

There are other features of the UN response to the Persian Gulf crisis that bear particular underlining with regard to the future. The Security Council set a very high standard on this occasion by its dispatch and resolve. This has aroused expectations around the world that, in the future, in similar situations, the same dispatch and resolve may be in evidence. The aggression against Kuwait was cut and dried. Diplomats are fond of speaking of "naked aggression". If there was ever an aggression which qualified as being "naked", this was one. That in a way simplified the task of the Security Council. What will happen in the future when the Council is faced with other aggressions which are not so lacking in ambiguity, those which are somewhat more complicated?

It is interesting to note that in the Persian Gulf crisis initial negotiations for Council action were conducted outside the United Nations. This is incidentally not unlike the negotiations on Namibia or for that matter the ongoing negotia-

tions on Cambodia, where a negotiated package is brought to the Security Council for endorsement and coordination of action. It is too soon to tell what kind of balance will evolve in the future between "pre-Council negotiations" and some measure of give-and-take within the Security Council itself.

Another lesson to draw from the Persian Gulf crisis is the fact that it is only possible for the United Nations to play a role in resolving the conflict if the parties in conflict are disposed to taking seriously the option of a settlement. In the case of the Persian Gulf crisis, for whatever reasons, Iraq ignored all the signals and seemed to spurn every opportunity at mediation, thus blocking any options for a negotiated settlement.

Finally there is a question of deterrence. Much has been said about the UN response in the Persian Gulf crisis serving as deterrence so that other potential aggressors would draw lessons from this. The UN response can best serve as deterrence if there is a good likelihood of its being reproduced in similar circumstances. I am not sure that in the future it will in fact be possible to reproduce the kind of response that we have seen in the Persian Gulf crisis. If the international community cannot mobilize in this fashion, with this speed and resolve in similar situations in the future, then the deterrence value of the Persian Gulf crisis, while generally valid, is somewhat diminished.

HARVEY J. FELDMAN

In discussing UN peace-keeping activities and conflict resolution, it has become something of a cliché to begin by saying that with the end of the cold war, the United Nations can at last fulfil the vision of its founders and become a reliable centre for peace and international security. Writing in the May/June 1990 issue of *Survival*, the bimonthly journal of the International Institute for Strategic Studies, Brian Urquhart looks forward to a time when "a small nation that believes itself to be threatened can come to the UN Security Council and get both reassurance and, if necessary, practical measures to guarantee its security, instead of embarking on desperate measures of its own".

Certainly the end of super-Power rivalry, played across the globe as a zero-sum game, has greatly enhanced UN possibilities in this field; but I think we need a certain amount of realistic caution before we conclude that the millennium is at hand and we are entering an era of perpetual peace. We have to remember that the United Nations is first and foremost a political centre. The General Assembly and the Security Council are political vehicles. They are not assemblages of the super-wise where decisions are taken on the basis of a kind of pure and disinterested rationality. They reflect and respond to all of the political, economic, social and religious rivalries of our world, and not only to those which have in the past divided the United States and the Union of Soviet Socialist Republics.

So let us think again about Mr. Urquhart's vision of the United Nations as a place where any small nation can come before the Security Council and find relief. Imagine the following hypothetical situations: Israel, feeling itself threatened by a combination of Arab States which it sees mobilizing armies on its borders, applies to the Security Council for "reassurance and, if necessary, practical measures to guarantee its security". Does anyone here believe that the Israelis will get effective relief? A second example: in a crisis in South Asia, Sri Lanka or Bangladesh fears armed intervention from India and seeks Security Council protection. Would they get it? Third: as an amphibious assault fleet masses along the Fujian coast, the democratically elected government in Taiwan sends a special emissary to New York to plead for UN protection. What happens next?

One may go on and on, but I think the point is reasonably clear. UN conflict resolution and peace-keeping activities will continue to be limited by power relationships, by bloc activities and in particular by the activities of the Non-Aligned Movement, as well as and in addition to great-Power rivalries. Regional Powers and the various voting blocs in the United Nations will continue to make their influence felt.

Above all, proactive conflict resolution and peace-keeping will continue to be constrained by the taboo against "intertering in the internal attairs of States". This is a constraint that entirely overlooks the fact that some of the more egregious acts of mass murder in this century could and in many cases did claim the protection of that ideal. One need think only of Idi Amin in Uganda, of the wars of civil extermination in Burundi, and of course of Saddam Hussein's gassing of the Kurds in his own country.

There are often calls for the United Nations to emphasize preventive diplomacy, to set up "early warning" stations and observer posts in unstable regions, presumably at the request of countries that feel themselves threatened. This might have a modest degree of utility in certain selected cases—Chad vs. Libya in the early 1980s comes to mind. But in some major crises that we have seen—the various collisions between India and Pakistan, or that between the United Kingdom and Argentina over the Falkland Islands (Malvinas) in 1982—it certainly was not information that was lacking. And even if it were, the India-Pakistan border or the Falkland Islands (Malvinas) themselves were hardly the places to gather that information. In these days of satellite communications and facsimile machines, New York is probably the single best place on the globe to gather information. For these same reasons, it also seems to me that New York is the best place for conflict resolution. I do not see how regional conflict-resolution centres can be more effective at anything other than creating additional jobs and organizational rivalry.

I suppose someone might attempt to make the argument that had there been a UN mediator available, the Iraqi invasion of Kuwait would not have taken place. But I think this ignores many relevant factors. It ignores, for example, the fact that mediation was attempted; that mediating roles were tried unsuccesstully by President Mubarak of Egypt and King Hussein of Jordan; that there is strong resistance to the idea of outside mediation among Arab League member States; and of course it ignores the personality and character of both Saddam Hussein and the al-Sabah clan.

Buried within this is an elementary but often ignored truth. Both sides to a conflict have to see the issue as something that needs to be resolved. If one side does and the other side does not, there will be no conflict resolution. And if both sides see the conflict as something needing resolution, very likely they will find ways of settling it between themselves. Let's take the case of the Golan Heights. Syria says there is a conflict and it needs to be resolved, by which it means the return of its territory. On the other hand, Israel is quite happy with the status quo, says there is no conflict and certainly needs no resolution. In the absence of some additional factor that changes the situation, no UN attempt at conflict avoidance or resolution can succeed. And if additional factors do ensue, as now seems possible, Israel and Syria will settle the problem by themselves without UN mediation or assistance.

A final note of pessimism: the possibilities for a solution to the quarter-century-old Cyprus problem are neither enhanced nor retarded by the end of the cold war.

But that really is my final note of pessimism. The United Nations has been and can continue to be successful in both conflict resolution and peace-keeping, even if it cannot resolve every possible conflict and keep the globe in a state of eternal peace. Secretaries-General can and should engage the prestige of their office in mediation efforts, and indeed these should be as proactive as possible. In my view, this

does not require new structures, but perhaps it does require a bit more push and a new view of how and under what circumstances to become engaged. The recent and successful behind-the-scenes UN effort in Albania is a good example of what is possible.

My remarks should not be taken as those of the United States Government, but my understanding of the US position is that while the United States is not in favour of tinkering with present arrangements, and certainly is not in favour of turning peace-keeping over to the Military Staff Committee, nevertheless the United States would like to see a strengthening of Secretariat capabilities in conflict resolution and in the management of peace-keeping operations. The State Department at least is somewhat worried that the more stringent budgetary processes now undertaken could inhibit timely action, even while the State Department acknowledges, informally of course, that the United States itself has pushed for these more stringent requirements.

At the same time, the people I have talked to at the State Department do not think it necessary to increase the Working Capital Fund from its present $100 million to the proposed $200 million. Rather they say the problem is to get countries (including the United States, of course) to pay up.

The United States would favour more earmarking of units and equipment for peace-keeping, but it does not agree that equipment should be donated to and maintained by the United Nations. This would add to the UN budget the maintenance costs that now are borne by the several Member States themselves. Moreover, one cannot predict in advance where the next crisis will be and therefore what equipment would be required.

Almost all the nations of the world have applauded the Security Council's actions in the Persian Gulf crisis, and indeed it is fully worthy of applause. It is also worthy of study, and not just because of the East-West cooperation which made action possible. I think we must recognize two additional factors: First, it took the determination, planning and mobilizing skill of a particular national leadership to keep the Security Council so rightly focused on this issue; second, I think we have to recognize that none of this probably would have happened had the principal export of Kuwait been avocados. And I suppose there is a third factor as well, and that is uniqueness. It was, during the Persian Gulf crisis, only the second time in its history that the United Nations authorized the use of force. As such, it stands somewhat aside from what we may regard as the usual UN peace-keeping operation. Indeed, we ought to hope that it continues to be unique in that regard.

More usual peace-keeping operations seem to me to require the following for success: First, the mandate for the operation must be completely clear so that everyone understands what is to be accomplished and why. Second, the contesting parties should have agreed in good faith to the operation along with any outside parties that may be involved. Third, there should be broad international consensus in favour of the operation. Fourth, sufficient resources are and will continue to be available. Fifth, the Security Council will persevere in its commitment even if the going gets rough. Obviously, except for the agreement

of the contesting parties, these factors were important to the success of the Persian Gulf operation as well.

If we look at consideration of Cambodia by the five permanent members of the Security Council, there is perhaps a sixth factor, and that is what you might call "ripeness". For long, long years, as all here know, UN consideration of the Cambodia issue did not enter into the stage of conflict resolution but remained at the level of blame-fixing. It took a reorientation of political viewpoints over time to get to the point where the world community considered the situation ripe for conflict resolution.

Where do we go from here? Looking at the Cambodia package, it seems clear that conflict resolution and peacekeeping are taking on new dimensions. We will soon become familiar with a new set of terms like "cantonment" and "post-electoral administration". Old-fashioned UN peace-keeping and observation will seem just that: old-fashioned. New techniques will develop and new forms of engagement will be tried. That is exactly as it should be. The United Nations, which reflects our world, changes with our world. At least, so we may hope.

YURI FEDOTOV

The subject of our meeting, "The changing role of the United Nations in conflict resolution and peace-keeping", acquires a particular importance at the present stage of world development, which marks the start of a transition in international relations from cold-war confrontation between two systems towards the establishment of a well-set and comprehensive partnership. At this crucial stage, the United Nations has all the necessary means at its disposal to become a key factor in a stable and equitable world order that is based on freedom of choice, a balance of shared interests, clear-cut legal norms and high democratic and humanistic standards.

History has never seen the collapse of an old order and the establishment of a new one without set-backs or even major upheavals. It is not easy to rise above decades-old stereotypes, and it takes more than the political will of even the most unconventionally minded political leaders to quickly reshape elaborate political and economic structures. This seems to be equally true of both individual countries that have taken the path of radical reform and of the entire international community as well.

It has become clear by now that the phasing out of ideological rivalry alone is not an "insurance policy" against manifestations of regional hegemonism and expansionist ambitions. Disarmament and confidence-building measures, difficult as they are, may be under way in US-Soviet relations and in Europe, but in other parts of the world, unfortunately, the arms race has only been gaining momentum. And this, in turn, breeds local conflicts and wars which often have large-scale destabilizing consequences. The Persian Gulf crisis has sounded a warning that the world has yet to step into an era of guaranteed security.

It is true that the last few years have seen the United Nations build up its efforts to untie the knots of regional tensions. Among the striking examples are the successful implementation of the UN plan for Namibia, the holding of internationally supervised elections in Nicaragua, and the restoration of peace in that country in the context of UN efforts towards a settlement in Central America. At the same time, a dynamic search has been going on for a political solution in Cambodia, Western Sahara and El Salvador.

We must give credit to the vigorous efforts of the UN Secretary-General, Mr. Perez de Cuellar, who has made a considerable personal contribution to the settlement of regional conflicts. We must also pay tribute to the UN Under-Secretaries-General, to the assistants of the Secretary-

General, his personal representatives and staff members of the Secretariat, who display diplomatic skill and, quite often, courage in the course of finding solutions to most difficult problems.

A fully operational peace-making machinery of the Security Council is perhaps a *sine qua non* for effective "conflict therapy" today. The Security Council has only begun to maximize its capacity, and it is essential to maintain the momentum and to strengthen what has been achieved so far. Whenever there is a threat of conflict, the Council must, first and foremost, engage all political, non-military means of settling disputes: in particular, through negotiation, fact-finding, mediation, reconciliation, arbitration and the use of regional bodies and arrangements. Making maximum use of the preventive potential of the Security Council is a priority task. This body could serve as a kind of "safety net", nipping conflicts in the bud. Another important instrument of crisis management and preventive diplomacy should be fact-finding missions, dispatched to crisis areas by the Security Council, the General Assembly or the Secretary-General. The presence of high-ranking UN officials in different parts of the world could by itself play a role in stabilizing situations and preventing further escalation. It still seems to be a good idea to set up a multilateral war-risk-reduction centre under UN auspices, on the basis of existing units and without any significant additional costs. In particular, it could facilitate continuous exchanges of information between UN Headquarters in New York, the capitals of the permanent members of the Security Council and the capitals of other States. In the long term, we could also consider setting up under Security Council auspices a group of experts on steps to be taken in such emergency situations as mass hostage-taking, acts of terrorism, blackmailing with the use of weapons of mass destruction, and so on.

As preventive diplomacy needs an unbiased view of the state of affairs in areas of conflict, it is necessary to increase the amount of data and information at the disposal of the United Nations, in particular by enlarging the UN Secretariat's capacity in this field.

It appears that conflict settlement followed by the establishment of reliable collective security structures could be facilitated by the achievement of closer interaction in this field between the United Nations and regional organizations on the basis of full application of Chapter VIII of the Charter of the United Nations. This issue seems to be quite seasonable now in the context of the search for sound post-war arrangements in the Persian Gulf, and it may be foreseen that in the future such an approach can be applied to other areas fraught with conflict.

UN peace-keeping operations continue to play a special role in conflict settlement. The revitalization of UN peace efforts in recent years has been marked not only by the growing number and scope of operations but also by a greater diversity of the goals they pursue. The prevailing trend seems to be that the classical pattern of disengagement of the conflicting parties by providing a buffer and of cease-fire monitoring is increasingly being replaced by multicomponent functions. The examples of Namibia, Central America and the existing outlines for a Cambodian settlement have demonstrated that the United Nations is becoming more active in implementing a whole set of measures to reduce tensions, re-establish confidence, achieve national reconciliation, organize free and fair elections, provide humanitarian assistance to civilian populations and re-establish international standards in the field of human rights.

It cannot be ruled out that in the future UN efforts to restore civil peace will include depoliticizing the military formations of the conflicting parties and finally assisting to create unified national armed forces.

However, it would be too simplistic to portray UN peace-keeping operations in bright colours alone. Unfortunately, in some cases the presence of UN observers for many years

has, at best, been limited to monitoring the "freezing" of conflicts and is not yet fully used to assist active negotiating processes. This is true for the Middle East, including Lebanon, for Cyprus and for Kashmir. Of course, it would be unjust to put the blame for this situation on the United Nations or, even more so, on the "Blue Helmets". Progress in establishing a lasting peace ultimately depends on the political will of the parties in conflict and their readiness to listen to and understand each other.

At the same time, given all the complexity and diversity of the above problems, the task of the United Nations and the international community is to search continuously for political solutions. It is important, for example, for the Security Council to refrain from routinely extending the presence of UN forces in a given area; in each case it should carry out, on the basis of a report of the Secretary-General, a serious and comprehensive analysis of all opportunities to make the most of such multilateral factors as peace-keeping operations to influence the behaviour of conflicting parties.

For this reason, a comprehensive review of the effectiveness of current UN operations might be carried out to see if their scope and the number of personnel involved are consistent with the objectives pursued. We should perhaps consider working out in the Special Committee on Peace-keeping Operations, and then in the General Assembly, a long-term concept concerning the use of multinational UN forces and the conduct of operations, which should be based on a realistic long-term assessment of the potential of the United Nations.

It is essential that all UN Members meet in good faith and on a timely basis their financial obligations related to peace-keeping operations. It is well known that the Soviet Union, for all its serious domestic economic difficulties, remains committed to paying its contributions and arrears for peace-keeping operations.

But at the same time, we could look into additional ways of easing the UN burden in this field. It is important to provide at the planning stage for the best possible pattern without compromising the ultimate objectives of the settlement. In this context, the ideas that merit our attention include operations upon the request and at the expense of individual States; troop contributions from States that would be prepared to provide contingents free of charge; alternative ways of providing logistic support for operations; and maximum use of existing resources and infrastructures in given areas. Answers to the problem of funding may also be found through cooperation between the United Nations and regional organizations.

All the established patterns of peace-making involving UN forces and observers are based on an important, in fact indispensable, precondition: acceptance by the conflicting parties of the mediation offices of the Organization and the conduct of operations. Real life, however, provides evidence that in certain situations, when the aggressor is stubbornly unwilling to accept an equitable solution, the use of force based on the solid legal foundations contained in the UN Charter may be required in order to maintain law and order. In fact, such collective steps have never been taken by the United Nations before the very last events, speaking legally of course. In this sense, the Persian Gulf crisis took the international community by surprise. In the absence of a well-established mechanism of enforcement measures, the Security Council had to take as a matter of utmost urgency certain steps required by the situation. As is known, some of those steps provoked a mixed reaction from certain sections of world opinion and from individual States.

Based on the lessons of the Persian Gulf crisis, it would perhaps be useful to begin substantive discussion at the United Nations on the entire set of issues related to prospects for the establishment, in accordance with Chapter VII, of a comprehensive mechanism that would rapidly

respond to acts of aggression and threats to international peace and security, including the use of coercive measures and military force. Such steps as the revitalization of the Military Staff Committee or a special study on practical aspects of contributing national contingents to serve under the command of the Security Council on the basis of agreements provided for in the UN Charter would of themselves have a certain deterring effect on those who contemplate encroachments on the territorial integrity and security of other States.

These are some of the questions related to enhancing the UN role in conflict resolution and peace-keeping. The priority task, of course, is to build upon existing experience and to pursue the search for ways to improve the peace-making role of the United Nations and to adjust it to new conditions, which in turn requires the joint efforts of all the participants in the international dialogue.

DISCUSSION AND COMMENT*

Tommy Koh

The speakers have voiced a welcome for the end of the cold war and, at the same time, a warning against euphoria. While regional conflicts continue, a future UN response may be different from what it was in the Persian Gulf crisis. On the subject of conflict resolution, new ideas have been expressed concerning three stages: conflict prevention and persuasion, non-coercive measures and the use of force.

Kishore Mahbubani

The winds have changed at the United Nations. Discussions now go one step further than in the past, beyond conflict avoidance ("non-resolution" in the case, for example, of Cyprus) to enforcement measures. Is the intellectual and bureaucratic apparatus of the UN Secretariat ready to launch an enforcement operation on its own?

Marrack Goulding

Since the Secretariat works with the Member States to launch any new operation, the question is not, "Is the Secretariat ready?", but rather, "Are the Member States ready?" The Member States and the Secretariat work together, closely engaged. As for today's discussions, there has been a surprising emphasis placed on peace-keeping, which is only part of the story. The United Nations, like a pharmacy, has a variety of treatments, which include the peace-making of the Secretary-General. However, the patient must come in for treatment, and someone must be willing to pay. Regarding the United Nations Peace-keeping Force in Cyprus (UNFICYP), any alternative might be less satisfactory.

Reynaldo Arcilla

The United Nations is as effective as its Members want it to be. While UN machinery and personnel for conflict resolution exist now, the UN reaction in crises depends on the decisions of the Members, especially of the five permanent members of the Security Council, whose decisions reflect the state of their relations. Current good relations at the United Nations could largely be attributed to the advent of *glasnost* in the Soviet Union. Could the Security Council be paralysed once again at some point in the future?

Chan Heng Chee

The Organization must strengthen its preventive diplomacy, with a proactive Secretary-General who is allowed to investigate situations at an early stage. Furthermore, a Secretary-General might serve one term only, but a term longer than the current one of five years.

* Summarized and edited by the rapporteur.

Obaid Ul Haq

Dag Hammarskjöld thought of preventive diplomacy as a device to isolate third world conflicts from the conflict of the cold war. Today, the term means preventing tensions and disputes from exploding into wars. This requires acute monitoring of tension spots. In the Persian Gulf crisis, as in other crises, the Security Council did not intervene in the pre-conflict stage as a first step.

Olara Otunnu

The question about why the Security Council did not react in July underlines the fact that, even though in some cases there may be a problem of information, in many cases the problem is what to do with the information, how to analyse it and what conclusions to draw from it. If a mechanism exists by which either the Secretary-General or the Council can informally probe situations, it is possible that some action might be taken when the signs are all in place. This is partly why I made remarks earlier about an informal understanding between the Secretary-General and the Security Council.

Marrack Goulding

One factor inhibiting Council initiatives last July was a regional initiative actively under way at that time. With regard to the enforcement capability defined in the Charter, no real effort has been made since the late 1940s to make those provisions operational. Since there is now a general recognition that an effective system of collective security has got to include an enforcement capability, this is a question which might be addressed by Member States, especially by the Security Council. Even if that were to succeed, it would be extremely difficult to launch something on the scale of the multinational military operation in the Persian Gulf. It may be that, within a working system of collective security, there would be some operations so large in scope and so difficult that they would have to be led, with the authorization of the Security Council, by a major military and political Power in a way which would not conform precisely to the provisions of Chapter VII. Let's have several different techniques in our armoury, and not concentrate on trying to find one single technique which would apply to all situations. That, by the way, was a personal point.

Tommy Koh

We are all speaking here in our personal capacity.

Yuri Fedotov

US-USSR relations, while crucial for world stability, are not an insurance policy for peace and security. The international community should work out a system of crisis prevention, based on the UN Charter, which includes a kind of political deterrence. Questions to be explored include whether the Military Staff Committee should meet to consider the military aspects of crisis areas, or what would be the modalities of agreements to place troops at the disposal of the Security Council.

Jusuf Wanandi

The United Nations could have an incremental role in conflict resolution, but there is a limit. It is necessary to pay

attention to the basic issues of conflict prevention and comprehensive security, which include economic, human rights and arms control aspects. The Association of South-East Asian Nations (ASEAN) is trying to achieve a regional approach. UN achievements are respected but should be complemented by regional approaches.

Harvey Feldman

The report of the 1991 CSCE Meeting of Experts on Peaceful Settlement of Disputes contains a statement of principles on peaceful settlement. The role of regional organizations in evolving specific dispute settlement provisions for their regions might be considered. In regard to the cold war, while the automatic ideological confrontation is over, the juxtaposition of national interests remains and should be borne in mind.

Christopher Beeby

It will be recalled that, in the discussions at Dumbarton Oaks, there was a consensus on the need for an enforcement capacity. Options proposed included an ad hoc coalition of forces, a permanent UN force, and a pool of national contingents. Furthermore, reviewing the early discussions in the Military Staff Committee, one wonders if the disagreements of the time might be resolved now. The Security Council should again consider if the original system is viable.

Takekazu Kawamura

Two UN organs play an important role in preventive diplomacy, the Security Council and the Secretary-General. It is for the Council members to enhance the Council's role, but consideration should be given to a formal recognition of the early-stage role of the Secretary-General in preventive diplomacy. Activities such as fact-finding, early information collection, and exchange and consultations with the permanent members of the Council might be formally spelt out.

Obaid Ul Haq

Another question to be considered is how the General Assembly's "Uniting for Peace" resolution [377(V) of 3 November 1950] applies to current peace-keeping efforts, especially since the first peace-keeping operation was authorized by the Assembly, not the Security Council.

Marrack Goulding

The "Uniting for Peace" resolution is not dead but has been used, for example, in the case of Afghanistan in 1979-1980. Currently accepted practice, however, is for the Security Council to establish peace-keeping operations.

Kishore Mahbubani

There seems to be a new willingness to consider UN involvement in "internal disputes". Would it be politically realistic for the Secretary-General to launch an initiative in Yugoslavia, for example, to help in its present crisis?

Harvey Feldman

States have often sheltered behind Article 2, paragraph 7, of the UN Charter. Can the world really ignore situations like those in Idi Amin's Uganda or in Pol Pot's Cambodia? In some cases, the Organization might informally offer its services to countries, thereby inducing a request. Yugoslavia might well accept such an offer; Idi Amin would never have accepted. Is the United Nations helpless when a State conducts war against its own people?

Chan Heng Chee

There is as yet no answer concerning the question of non-interference in internal affairs, but the United Nations ought to be able to play a role in situations like the ones mentioned.

Olara Otunnu

Two types of intervention in internal affairs should be clearly distinguished. First, there is "humanitarian intervention", which was admissible in the pre-UN era but has not been admissible in the UN era. Second, there is intervention by invitation and consent. Some countries fear that the second type might slowly open the way to the first.

Tommy Koh

Is not the short answer to the question of interference in internal affairs to be found in the request of a State for UN action? On balance, it is not in the interest of smaller States to argue for the validity of the doctrine of humanitarian intervention. There is, however, a difference of view among legal scholars on this subject.

Marrack Goulding

UN involvement in internal affairs is a very sensitive question. The General Assembly's initial reluctance in the case of Haiti was partly motivated by a fear that it would become the norm for the United Nations to take the initiative to "impose democracy" on Member States not so inclined.

Peter Chan

The principle of non-intervention is a problem only if consideration is limited to resolutions and debate. There is a practical question of ability and will. Is there a group of countries willing to bear this burden with the help of the international community? Furthermore, rather than meandering in broad principles, clear criteria for intervention are needed. No country is going to allow its sovereignty to be taken by the invocation of a sweeping principle for intervention. Although a war situation prevailed in the Persian Gulf, a clear warning, with a clearly spelt out punishment, was given to Saddam Hussein not to use chemical weapons against the Kurds and Shiites.

Olara Otunnu

Recently, in the case of Liberia, the Economic Community of West African States (ECOWAS), a subregional organization, judging that its members' own citizens as well as Liberians themselves were in danger from the various factions—the Liberian State had collapsed—decided to intervene in that country to rescue their citizens and re-establish law and order. At present, the United Nations is not collectively in a position to intervene in that kind of a situation.

Kishore Mahbubani

The UN Charter was primarily intended to prevent conflicts between nation States. In the 1990s, the Organization is on the verge of a new era, having overcome its past paralysis. But if the nature of conflict changes, if internal conflict becomes the order of the day, how will the United Nations adjust? Most States want to preserve the principle of non-interference. How do you do so while transforming the Organization to be able to deal with the actual conflicts of the day?

Bernard de Montferrand

CSCE has devised mechanisms allowing both respect for national competency and a kind of interference. Even during the cold war, certain bodies, conferences and "baskets" were created to help with the agreement of different countries to treat a number of subjects which were formerly considered within national competency. Since last year, bodies have been established in various places in Europe to deal with the problem of waste production, to look at elections in CSCE countries, and so on. It is too early to know the procedures to be used, but it could be useful for the United Nations to consider the CSCE experience.

MARRACK GOULDING

III

THE EVOLVING ROLE OF UNITED NATIONS PEACE-KEEPING OPERATIONS

The title of this panel discussion raises a question of definition: what is a peace-keeping operation? In the United Nations, "peace-keeping" has become a technical term, but it does not feature in the Charter of the United Nations nor has it been defined in any resolution of the General Assembly or the Security Council. There is a definition in the new edition of the volume called *The Blue Helmets* and it is the same definition as was in the first edition. It says that a peace-keeping operation is an operation involving military personnel but without enforcement powers, undertaken by the United Nations to help maintain or restore international peace and security in areas of conflict. There is a variant on that, another definition which has been used in publications of the Department of Public Information (DPI) and in speeches which various of us have made, and that is that peace-keeping is the use of international military personnel, under UN command and with the consent of the parties, to help control and resolve conflicts between States and sometimes between hostile communities within a State.

Leaving aside for a moment the question of definition, the essential characteristics of peace-keeping as practised by the United Nations are, I think, now well understood, but it might be useful if I very briefly recapitulate them. First of all, peace-keeping is something which takes place with the consent of the parties to the conflict in question. Secondly, each peace-keeping operation has to be approved by, and enjoy the continuing support of, one of the legislative bodies of the Organization—and we were saying earlier that that is now invariably the Security Council. Thirdly, the military personnel are provided on a voluntary basis by Governments. Fourthly, those military personnel are under the operational command of the Secretary-General, who himself reports to the Security Council. Fifthly, peace-keeping operations must act with complete impartiality and if they are armed—and most of them are not armed—they must use force to the minimum extent necessary and normally only in self-defence. Finally, peace-keeping is, or should be, financed by the Member States as an activity of the Organization.

One can also differentiate between two kinds of situations where peace-keeping operations are deployed. The first is when there is an armed conflict in progress and the parties can be persuaded to stop fighting and accept an impartial third party, namely the United Nations, being interposed between them. The classic cases there, I suppose, are the two United Nations Emergency Forces in Sinai (UNEF I and UNEF II). The second kind of situation is when some agreement has been reached between hostile parties and an impartial third party is required to assist in the implementation of that agreement and verify or monitor that the parties are complying with their undertakings. A great variety of different peace-keeping operations fall into that category.

In recent months, when there has been some controversy about what is and what is not a UN operation, one has also sometimes in public speeches found it useful to rehearse

the arrangements for the command and control of peace-keeping operations. Olara Otunnu mentioned in the Chapter VII context how important the questions of command and control are. In the case of peace-keeping, the sequence of events is that Member States of the Organization, acting through the Security Council, set the Secretary-General a task. They ask him to prepare a plan for implementing the settlement proposals for Namibia, for example. The Secretary-General then, after consulting the parties, recommends to the Security Council how that task should be carried out. Next, the Member States, through the Security Council, approve the Secretary-General's recommendations and, in the General Assembly, appropriate the necessary finances. The Secretary-General then gets on with the job, reporting to the Security Council from time to time and seeking its guidance, which can include sometimes a variation of the task if unforeseen opportunities or difficulties occur.

That general description of peace-keeping remains valid in 1991, up to a point. But there is a growing feeling, both among practitioners and in the academic world, that this conventional definition perhaps lays too much emphasis on the involvement of military personnel. The doctrine, to put it crudely, has been that if the military are involved it is peace-keeping and if the military are not involved it is not peace-keeping. One wonders now whether that is too narrow a definition. It does exclude certain field operations, such as, for instance, our verification of the elections in Nicaragua last year, which are like peace-keeping operations in every respect except that the military are not involved. And it led to a curious paradox in the election observation mission we sent to Haiti. As was mentioned earlier, that operation did include military officers who had a specific task, namely to help the Haitian armed forces draw up a security plan for the elections and then to observe the implementation of that plan. According to the conventional wisdom, therefore, it was a peace-keeping operation. But the Secretary-General was asked specifically by the Government of Haiti not to call it a peace-keeping operation because peace-keeping is by definition a military activity and the Haitian authorities did not want to emphasize the military aspects of this UN involvement in their election.

So perhaps the time has come to think about redefining this technical term "peace-keeping". But before embarking on that, I would like to make a couple of points to warn against a myth which seems to be in the making, or maybe there are two myths. The first myth is that until very recently all peace-keeping operations were exclusively military. That is simply not the case. The Congo operation, for instance, included a very large civilian component; there were more civilians deployed in the Congo than there were two years ago in Namibia. And in the case of West Irian, the United Nations did something it hasn't ever done since: it actually took over the administration of the territory, including the maintenance of law and order, for a transitional period of seven months. That operation also involved many civilian personnel, as well as military.

The second myth is that what is perceived as being the previous, traditional kind of peace-keeping has now been superseded. It was referred to earlier as "old fashioned" peace-keeping but I rather prefer Mr. Fedotov's formulation, namely "classical" peace-keeping. Peace-keeping certainly is evolving, as I will say in a moment. But I think that what is happening is that the species which has been called peace-keeping is evolving into a genus, also called peace-keeping. The genus will include a number of different species—already includes a number of species; classical peace-keeping is one of these and there will certainly be occasions in the future when it will again be required. Large, new composite operations, like the one in Namibia, are another species. There is perhaps a third species, namely field operations which have no military component at all.

Peace-keeping operations have already been used for a wide variety of different functions, both military and civilian. As you, Mr. Chairman, said earlier, every operation is unique unto itself. The lessons learned in one operation can often be applied to another, but each operation has to be designed individually. Disagreeable political and operational consequences can result if the United Nations gives the impression of simply applying a previous model to a brand new situation.

One of the striking and very welcome developments in the last few years has been that the United Nations has increasingly been called upon to play a role, often the lead role, in implementing complicated agreements for the resolution of long-standing conflicts. (I will say in parenthesis that the United Nations has also often played a very important role in the negotiation of those agreements. But that is not the topic at hand; it is the peace-making that we discussed earlier.) Recent examples of these complicated operations for resolving long-standing conflicts, not all of which have yet been fully implemented, are Afghanistan, Iran-Iraq, Namibia and Nicaragua. We hope that shortly we will be implementing similar plans for Western Sahara, Cambodia, Angola and El Salvador. On the other hand, the Secretary-General has not recently been asked to set up emergency operations to try to control an unexpected outbreak of hostilities, as happened in the past in places like Cyprus and Sinai and Lebanon. The reason for this change, the reason for this shift of emphasis to complex settlement plans, is, in my judgement, I will not say the end of the cold war but the fact that during the last three or four years the United States and the Soviet Union have been ready, in a way that they had not previously been ready, to work together to resolve, with the help of others of course, some of the long-standing regional conflicts which have beset the United Nations since its foundation.

The implementation of these settlement plans so far has, in every case, involved some of the tasks carried out by soldiers, some of the functions which require military skills: monitoring a cease-fire, supervising the confinement of troops of the two sides to agreed locations, patrolling buffer zones and arms limitation areas, monitoring the withdrawal of foreign troops, demobilizing irregular forces, providing security at locations where other UN activities are going on.

But, in addition, because these settlement plans are comprehensive treatments, which will not only end the fighting but also resolve the underlying political conflict which led to the fighting in the first place, they also include a wide variety of civilian functions. Of those I would like to highlight four.

The first is supervising in some way the existing administration. In Namibia, for instance, the Special Representative of the Secretary-General had the power to take up with the South African Administrator-General any decision or action by him which in the UN view was inconsistent with the central objective of the exercise: to hold a free and fair election. In Cambodia, the draft comprehensive settlement provides that certain parts of the Cambodian administration will be placed under the supervision and control of the UN Special Representative.

The second civilian function relates to law and order. Inevitably law and order is a highly sensitive question when you are trying to hold a free and fair election or referendum. There is bound to be suspicion that the existing administration which still controls the forces of law and order will use those forces to interfere in some way with the electoral process. In Namibia, again, the UN operation included the monitoring of the existing, i.e. South African, security forces by civilian police officers of the United Nations Transition Assistance Group (UNTAG). In Western Sahara, the plan contains a similar arrangement. Also in Western Sahara we go a little bit further, because the United

Nations will itself be responsible for the maintenance of law and order at any location where electoral activities are taking place.

The third civilian function is verification of respect for human rights. This is a new aspect which features in the plan for El Salvador. An agreement on this has already been concluded between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN), under which the United Nations will verify respect for human rights. That involves not just monitoring the local police force; it also means monitoring the local judiciary and the prisons and so on.

The fourth function, as is well known, relates to elections. This is often the central feature, the main purpose of the exercise being to enable the people of the country or territory concerned to exercise their own will in choosing how and by whom they want to be governed. Again there are various degrees of UN involvement. It can simply be observation of the election; UN electoral observers watch what is going on and report back to the Secretary-General, the hope being that their mere presence, together with representatives of non-governmental organizations (NGOs), will have a deterrent effect on any people locally, whether in the government or the army or elsewhere, who might want to obstruct the election.

Moving one notch higher, you have the verification of elections. This is like observation, except that the UN observers and the Special Representative of the Secretary-General will formally verify that the election has complied with some agreement about how it should be conducted.

Moving up one notch further, you have "supervision and control" of an election by the United Nations. Again there is an excellent model in Namibia. There the settlement plan required that each stage of the election should be carried out to the satisfaction of the Special Representative. If he was not satisfied, say with the registration process, he could say, "Halt, go no further." Another example: the electoral legislation that was issued by the South African Administrator-General had to have the approval of the Special Representative; this condition enabled us to provide, for instance, that no Namibian could be refused registration as a voter unless that refusal had the consent of the UN official on the spot.

Finally, the highest development of this form of life is that the United Nations actually organizes and conducts the election itself. This is something which it is planned that we should do in Western Sahara. It has big legal and financial implications, for the United Nations is the electoral authority, the United Nations issues the regulations for the election, the United Nations has to have sanctions to deal with those who offend against its electoral regulations, and so on. This is also a feature of the plan for Cambodia.

There is perhaps a fifth civilian function which I should mention. That is information. In Namibia, it was quickly seen that implementation of the settlement plan would require a major information programme by the United Nations. We had to bring home to the Namibian people that a political transformation was taking place—a political transformation that would enable them for the first time to decide how and by whom they would be governed. The role of the United Nations had to be explained and the suspicions and fears created by decades of colonial rule had to be cleared away. The information programme made an essential contribution to the success of the UN operation in Namibia.

This expansion of the scope of UN peace-keeping operations has many implications for the way they are organized and conducted. I should like to mention three in particular.

First, command and control. It is not appropriate for such operations, with their large civilian components, to be under the overall command of a senior military officer. Nor is it

desirable to have parallel chains of command, with the civilian chief and the military chief reporting, in parallel, to the Secretary-General. The complexity of these operations and the speed with which they have to be carried out mean that there must be effective command and coordination on the spot. The model which is now favoured, and which was again the one in Namibia, is the appointment of a civilian as Special Representative of the Secretary-General to be in overall command of an integrated operation consisting of civilian, military and police units. It is essential that the operation be run as an integrated whole, with shared logistic services. All those taking part in it must have a sense of belonging to the same organization, working for the same purpose and serving the same chief. One has to find ways of neutralizing the regrettable fact that jealousy between civilians and soldiers is as likely to occur in international structures as it does in national ones. One sometimes finds that one's peace-keeping skills are as much needed in-house as they are between the external parties.

The second implication of these new composite operations is the requirement for civilian staff. In classical peace-keeping operations, the civilian staff, whether political, legal, information or administrative, have almost entirely consisted of existing staff members of the Organization. Now the Secretary-General sometimes has to find, often at very short notice, various categories of civilian staff which the Secretariat cannot provide from its own resources. Examples have already been mentioned: election supervisors, human rights monitors, policemen. The Secretary-General turns to Governments for these, exactly as he has in the past turned—and continues to turn—to Governments for military personnel. The response from Governments has again been overwhelmingly positive and helpful. I would also mention that, as a separate exercise, we are exploring whether certain logistic functions previously performed by military personnel can now be entrusted to civilian personnel provided by Governments. The kinds of functions we have in mind are field hospitals, air support, communications and vehicle and equipment maintenance.

Thirdly, there are the cost implications. These large composite operations are dramatically more expensive than the classical, almost exclusively military, operations which, during the 1970s and 1980s, had come to be thought of as typical peace-keeping operations. There are two main reasons for this. One is the sheer scope and complexity of the tasks entrusted to the United Nations, with all that that implies for the human and material resources required. The other is the increased requirement for civilian personnel, especially civilian personnel from the Secretariat. Thanks to the generosity of the Governments of troop-contributing countries, the United Nations has been getting its military personnel on the cheap. Leaving aside local subsistence costs and travel, the United Nations pays nothing for military observers; for formed units, whether of infantry or logistics troops, the maximum cost for a soldier—and there is a flat rate whether the soldier is a brigadier-general or a private—is about $15,000 per annum. A middle-level Secretariat official will cost the operation many times that sum.

The cost of these large composite operations is leading to a certain consumer resistance on the part of the Member States, especially the large contributors. The cost of the Namibia operation was nearly $400 million and it is clear that Cambodia will inevitably cost a great deal more than that. These costs are in fact very low by comparison with the cost, not only to Governments but to commercial interests as well, of continuing war—not to mention the costs endured by the suffering people of the countries or territories concerned. But they are undeniably high in comparison with the Organization's regular budget and with the costs of other UN activities funded by assessed, i.e. obligatory, contributions.

I would like now to come back to the question of definition: what is peace-keeping? Can we redefine the concept to include the large complex operations which I have been describing, and non-military operations like the Nicaraguan elections, without excluding the classical type of more-military peace-keeping operations? As I have already said, I believe that the requirement for classical peace-keeping will remain, alongside the requirement for large Namibia-type operations and sometimes for operations without any military component at all.

The principal features that are common to all existing species in this genus seem to be the following. First, they all require the consent of the parties; they cannot be imposed; they do not involve military enforcement measures or coercive action, except in the very limited context of self-defence. The second feature they all have in common is that they involve the deployment in the field of UN personnel, existing staff members of the United Nations and personnel made available to the Secretary-General by Governments. All those people are UN personnel in the sense that they take their orders from the Secretary-General and are under his operational command. Thirdly, the purpose of all these operations is to help control and resolve actual or potential international conflicts or, and here it gets controversial, internal conflicts which have a clear international dimension.

That last form of words—"which have a clear international dimension"—is meant to exclude purely humanitarian field operations, like those conducted for the Palestine refugees by the Office of the United Nations High Commissioner for Refugees (UNHCR) or by the United Nations Relief and Works Agency for Palestine Refugees in the Near East, but to include internal situations like, say, those of El Salvador or Nicaragua or Angola, which have a clear international dimension in the sense that the parties to the conflict are receiving material support from outside Powers and/or that the solution of the conflict results from some international negotiation or agreement. Take, for instance, Nicaragua: the agreement to hold elections in Nicaragua formed part of a comprehensive Central American peace process worked out by the five Central American Governments, with a good deal of help from various other international actors. That gave that election an international dimension which the elections in Haiti did not have.

If one puts together these different elements, one comes up with, or I come up with, a revised definition of peace-keeping, as follows: "United Nations field operations in which international personnel, civilian and/or military, are deployed with the consent of the parties and under UN command to help control and resolve actual or potential international conflicts or internal conflicts which have a clear international dimension". That revised definition is intended, as I say, to embrace field operations which form part of efforts to resolve international conflicts but do not always necessarily include military personnel.

In conclusion, I would like to point out that there are two kinds of operations which are currently much discussed in New York, and indeed at this symposium, but which would be excluded in my proposed definition. Their exclusion does not of course mean that the Security Council and the General Assembly could not decide to establish and fund such operations. But it would mean that they would not be categorized as peace-keeping.

The first, which we discussed at some length earlier, is the monitoring of purely internal elections, as in Haiti. I think myself that it is not easy to establish a case that Haiti was a peace-keeping operation as now or previously defined. That does not mean that the Haitian request should not have been accepted. It was eventually accepted unanimously by the General Assembly and the operation there was a resounding success. But I do not think it was peace-keeping.

The second kind of operation, which I think is very interesting and might merit further discussion within this group, is what has been called "preventive peace-keeping". This emanated from President Gorbachev, who has put forward the idea that UN military observers could be established on one side of a tense frontier at the request of a State which feels threatened by its neighbour, without the consent of the neighbour having been obtained.

Interestingly, this idea goes right back to one of the forerunners of peace-keeping, namely the United Nations Special Committee on the Balkans. In 1947 this body deployed military observers on the Greek side of Greece's borders with Bulgaria, Yugoslavia and Albania, against the wishes of the Governments of those States, in order to verify whether insurgents in Greece were receiving military supplies across those borders. Initially the military observers reported directly to their Governments and were not in any sense under UN command. But over a period of months they began to acquire certain UN characteristics; they had their per diem paid by the United Nations; they reported to the Chairman of the Special Committee rather than to their Governments; they began to wear special arm bands to identify them as UN personnel.

"Preventive peace-keeping" is an extremely interesting idea. It is different from peace-keeping as described in this statement but it is the kind of technique which one could move on to, without discarding peace-keeping. It could be a mechanism which would be another step forward in the long, hard struggle to design a workable system of collective security.

CLIVE MILNER

It is satisfying to hear, when people discuss how the United Nations goes about conflict resolution and peace-keeping, that the last resort is the use of force. As a soldier for over 30 years, I think that this is most appropriate, in spite of the often held belief that soldiers are the ones who want war. I think that soldiers are among those that want war the least. Therefore, I fully support the policy that only when absolutely essential should the United Nations use force.

A number of speakers have mentioned the prerequisites for successful peace-keeping missions. I would like to spend a few minutes discussing these prerequisites from a Force Commander's point of view. First of all, there is the mandate itself, that statement which gives the mission its authority. The mandates of missions which have been mounted to date tend to be worded in polite, diplomatic language. The soldier who has to carry out the mandate, with soldiers and civilians under his command, would perhaps prefer a more precise mandate. I realize that a diplomatically worded mandate is easy to live with while things are going well. But when things turn sour, and life gets difficult, the wording of a mandate becomes terribly important. It should provide the Force Commander and the peace-keepers and observers with the necessary authority to do the job.

I should also state that in long-term missions, such as UNFICYP, UNTSO, the United Nations Disengagement Observer Force or the United Nations Interim Force in Lebanon (UNIFIL), a case could be made for a change in the mandate. Once the Security Council has settled on a man-

date, however, it is difficult to go back and reconsider. But I think there are times when the situation demands a change. UNIFIL and UNFICYP may be such cases. The mandate provided to UNFICYP in 1964 was quite satisfactory, and allowed UNFICYP to do its job for ten years. But as you are all aware, the situation changed immeasurably in 1974, perhaps requiring the wording of a new mandate.

Mention has also been made of the essential agreements between the conflicting parties. That is a requisite which is difficult to live without. For a force to be able to function in a country or astride countries, a document called a "Status of Forces" agreement is needed. We have one in Cyprus with the Government of Cyprus. It is not, however, recognized by the other participant in the conflict and therefore life can be difficult at times. The agreement is required because a peace-keeping or observer mission needs complete freedom of movement. If you don't have that, you cannot carry out your functions. Cooperation is a key word. Without the cooperation of the belligerents, it is extremely difficult. In the case mentioned earlier, UNEF had to leave the area. A repeat of that should be avoided at all costs.

A force also needs the resources to carry out its mission, not only in terms of personnel, but also in terms of funding and equipment. When the situation changes, changes are also required in the force structure and the equipment. I should add that technology abounds in the world, but it certainly has not caught up with the United Nations, primarily because of its cost. Today's technology can be of great assistance to peace-keeping and observer missions. Satellites could provide information which is very difficult to obtain on the ground, information that I need and the Secretariat needs to make the right decision in a timely fashion. The United Nations, for whatever reason, is not taking advantage of this new technology.

Marrack Goulding has already discussed the functions of both the military and the civilians in the various missions. Let me give you my view of the difficulties of commanding a multinational force. Each nation brings its own characteristics, its own standards of training, its own equipment, dress, and form of discipline. As any military man would know, it is difficult enough to command your own nationality. In UNFICYP, eight different nations are represented. And added to the military international mix is the civilian international mix. Some dozen nations are represented among UNFICYP civilians. Combining the two to achieve a common goal is not as easy as perhaps the Secretariat or the Security Council would believe. It is important, when establishing a force, to give careful consideration to who participates and in what strength, and that includes the military/civilian mix.

Soldiers were once civilians, and most of us like to think we will be civilians again at some stage. Although as a soldier I am outnumbered in this room, I would nevertheless say that soldiers can do most civilian jobs but civilians cannot do a soldier's job. I don't mean that in a negative fashion. There are certain functions, like the ones Marrack Goulding mentioned, that certainly can be carried out by civilians, provided that the circumstances are right. If things go sour, you need the presence of the military. The strength of the United Nations in maintaining peace and security is vested in that one lone soldier, with or without his weapons—preferably without—with the UN flag, the blue beret and the emblem. He has behind him the moral strength of the Organization. The evolution of peace-keeping is embodied in that statement.

I could use UNFICYP as an example. When it first went into Cyprus to prevent the further outbreak of hostilities between the two communities, UNFICYP had 6,500 troops. As the situation on the ground changed, UNFICYP has shrunk to 2,200. I believe that we maintain the peace today just as well as we did then, perhaps even better. We are not seen as one of the belligerents; we are seen as peace-

keepers. It would do each of you proud to see one UN soldier, standing between the groups of fully-armed soldiers, raising his hand saying, "Stop, go back to your positions, we will talk about it."

We are not just peace-keepers or observers. The longer a mission exists, the more it becomes involved in humanitarian functions, particularly if there is a buffer zone, a no man's land or a demilitarized zone. This is also part of the strength of the United Nations. The United Nations plays the vital function of being an intermediary between families, friends and associates that are unable to make contact. UNFICYP, like other missions, controls resources that the two belligerents are unable to control. For example, water. The water system in Cyprus crosses from one side to the other. The United Nations plays the intermediary in keeping the water flowing. The same is true in the case of the electric system and the sewage system.

When I first went into peace-keeping, there was an expression, "Your life will be that much easier if you win the hearts and the minds of the people between whom you are keeping the peace." The same is true today. A peace-keeping soldier or civilian who makes friends with the belligerents on both sides and understands their problems stands a much better chance of bringing about peace-making.

One of the speakers referred to the possibility of improving the management of peace-keeping operations. I may be treading on thin ice, but I think there is room for improvement. In my view, the Secretariat official responsible for peace-keeping, the Under-Secretary-General for Special Political Affairs, is more or less like a Secretary of State for War or Minister of Defence in the United Nations, the Secretary-General like a Prime Minister or President. Where does that place me? As a Force Commander in the field, I respond directly to the Under-Secretary-General. In the usual chain of command, in the Persian Gulf for example, General Schwarzkopf did not go directly to Secretary of Defense Cheney; he certainly did not go directly to Mr. Bush (unless asked). He went through the Joint Chiefs. I am not suggesting for one moment that the Under-Secretary-General for Special Political Affairs have a complete military staff working for him at Headquarters. But I believe that he and we would be better served if there were more military expertise on his staff.

Let me add one word on the management of peace-keeping operations, my own observation from the field. While operationally I answer to the Under-Secretary-General for Special Political Affairs, I have a civilian administrative organization which answers to the Assistant Secretary-General for General Services through the Field Operations Division. I have the responsibility to ensure that UNFICYP is cost effective, but I don't necessarily have the authority. Getting support at Headquarters means crossing several lines.

My last point concerns people's tendency to separate peace-keeping from peace-making. If there is a conflict raging, it must be brought to an end before a peace-keeping force can be brought in. Once the force is in place, it is there to keep the peace, to create a climate within which the politicians and the diplomats can bring about a lasting solution to the problem. The military is not necessarily very good at that, the peace-making part. In Cyprus, working alongside me, is the Special Representative of the Secretary-General. We work very closely together, seeing each other on a daily or weekly basis, to discuss what I am doing and what he is doing. I think that he, like me, should be reporting to the Under-Secretary-General for Special Political Affairs. I don't see how you can separate the two functions of peace-keeping and peace-making. Again, that is just my own personal observation from the field.

One more comment: I agree with Mr. Goulding's definition of peace-keeping—except that it is too long. The definition needs to be clear and concise. The soldier needs to

be able to explain what he does in simple terms. A lengthy definition will make his life difficult. The new definition is sound, however, and needed now with the developments that are taking place in the field of conflict resolution.

DISCUSSION AND COMMENT

Olara Otunnu

For the United Nations to play a peace-keeping role in the Persian Gulf, it would have to make a transition, in the same conflict situation, from enforcement measures to peace-keeping. In enforcement, the United Nations takes sides, supporting the aggrieved party against the aggressor; in peace-keeping, the United Nations is impartial.

Kishore Mahbubani

Instead of stretching the definition of peace-keeping, why not acknowledge that the United Nations is engaged in a new species of activity? A qualitative change has taken place, with peace-keeping becoming a kind of peace-management. Past operations involved the placement of a few observers; now it is the supervision of elections in a vast country.

Baden Teague

The ordinary public expects the Organization to play an active role, and cannot understand inaction. While a role for a UN force in, for example, Yugoslavia, is not realistic, calls for operations such as UNTAG will continue and increase. Public support in Australia for peace-keeping has grown, not just because of UNTAG's success, or Australia's contribution to the United Nations Iran-Iraq Military Observer Group (UNIIMOG), or Australia's suggestions for a settlement in Cambodia. It is also because of the explicit foreign policy goal of nation States to be good international citizens. However, defence forces have not sufficiently provided for making contributions to UN peace-keeping. Governments should have a secretariat for defence liaison with the United Nations. In addition, there should be more military expertise in the UN Secretariat.

Obaid Ul Haq

When collective security failed, peace-keeping was used as a stopgap arrangement. UN contributions have also included peace-making, for solving crises by diplomatic means, and peace-building, for creating institutions and modalities to ensure the resolution of conflict.

Claus Vollers

Although classical peace-keeping, where troops are placed between the two sides, does not always provide a solution, there was a time when war was considered a solution. UN peace-keeping is going in a new direction, even though there are differences of opinion about organizational matters, decision-making procedures and definitions.

Kennedy Graham

A clear conceptual distinction between the different manners of keeping the peace is of fundamental importance. Currently, conflict resolution is seen in the context of Chapter VI only, i.e. pacific settlement. Here there is considerable scope for creative initiatives. As for peace-keeping, which governs the end of hostilities between States, there is almost unanimous opinion worldwide that it should be strengthened. In practical and policy terms, however, no Government has taken the lead. Regarding Chapter VII, if there is to be world self-governance, it will be through a credible and viable enforcement system. While collective security at the League of Nations was a rudimentary concept, the United Nations represents the second generation of collec-

tive security. Improvement at the United Nations will be incremental, and the most progress will be made under the provisions of Chapter VI.

Michael Costello

The Organization will grow naturally. It should not be pushed too hard. In preventive diplomacy, the UN role might be to bring pressure to bear on reluctant parties. Efforts to solve the question of Cambodia provide an example of organic growth. The new elements include the diverse tasks of the military component, the organization and conduct of elections, and the role in the civil administration of a sovereign State. Furthermore, since all parties must agree, the sovereignty requirements will be met. As for cost, a year-long operation in Cambodia might cost $1.5 billion, about the same as a day and a half in the Persian Gulf war.

Rafeeuddin Ahmed

Conflict resolution also needs a definition. Discussion at the symposium has mostly concerned the prevention or resolution of armed conflict, with some attention being given to internal conflicts arising from ethnic, religious or cultural tension or flagrant violation of human rights. As issues are increasingly interlinked, there are also other areas of conflict prevention where the role of the United Nations might be considered. If traditional peace-keeping is defined as monitoring the avoidance or recurrence of conflict, a UN role might be considered in promoting and monitoring, for example, agreements on arms control and disarmament. In the Persian Gulf crisis, the acquisition of arms, to a great extent, led to the conflict itself. There might also be a UN role in verifying human rights. The Human Rights Commission's system of special rapporteurs needs to be strengthened. In another area, the environment, agreements reached for wider world peace will need to be monitored and verified, since an environmental question which gets out of hand—a dispute over shared rivers, for example—might lead to armed conflict. The United Nations needs to develop a more consistent way of dealing with vast humanitarian situations. Drawing upon the lessons of classical peace-keeping, mechanisms developed from well-established practices might help alleviate suffering.

Kishore Mahbubani

In cases where traditional UN peace-keeping is providing a "comfortable" situation and non-resolution, as in Cyprus, what means can be found to motivate the parties to find a solution? A tax might be imposed on the parties to pay for the operations.

Marrack Goulding

Regarding the argument that UNFICYP is part of the problem in Cyprus, a withdrawal might well mean a resumption of the armed conflict. Furthermore, the notion that political conflicts are resolved by the threat or use of force runs counter to what the United Nations was set up for. Devising a financial incentive to induce the parties to find a solution is superficially an attractive idea, but what could be done if the parties refused to pay or if a party was not a State. Although classical peace-keeping has been a stopgap measure, the new generation of peace-keeping operation is an arrangement with a limited time span to implement a negotiated agreement.

Kishore Mahbubani

Is the Organization preparing itself to handle the expanded scale and the different nature of operations, to take on, for example, responsibility for a whole country?

Marrack Goulding

All Secretariat departments become involved in the management of large-scale peace-keeping operations, using existing personnel and resources.

Rafeeuddin Ahmed

The management of such operations requires a great deal of planning. The chain of command goes from the Security Council to the Secretary-General and then to his Special Representative in the field. The Special Representative is the focal point. Under the Special Representative are deputies responsible for particular areas, along with support personnel. At Headquarters, the Secretary-General provides directives and guidance. The Secretary-General might decide to establish a task force under his chairmanship and consisting of all concerned Under-Secretaries-General, as in the case of Namibia. Or he might appoint a senior official as his principal adviser at Headquarters.

Christopher Beeby

The issue of financing is becoming increasingly important as peace-keeping operations become more numerous and more complex. Is there a permanent solution to this major problem?

Marrack Goulding

The problem is aggravated by the enlarged scale of new operations and by the increasing participation of civilians, who are more expensive than military personnel. While there is a flat rate of reimbursement of about $15,000 per soldier per year, civilians cost up to $100,000 per individual per year. There are particular problems with regard to set-up costs. Possible solutions under discussion in the Secretariat include provision for the establishment of a working capital fund. The Secretary-General might ask the General Assembly for advance authorization to commit funds. Stocks of basic standard equipment might be maintained. The question is whether Member States are prepared to underwrite these expenses. But what is the cost of the alternative? UNIIMOG cost less than the oil in two supertankers.

Jusuf Wanandi

Is the question of intervention being debated at the United Nations, and is it possible that general rules might be devised? The Geneva Conventions and the Protocols of the International Committee of the Red Cross (ICRC) allow some intervention in domestic affairs. What is the role of regional organizations and NGOs in this regard?

Hisashi Owada

From a legal point of view, three different situations may be distinguished. Enforcement actions under Chapter VII are undertaken irrespective of the question of domestic jurisdiction. For "Chapter VI-and-a-half" peace-keeping operations, the consent of the parties is required. Chapter VI conflict resolution is the most difficult situation, because Article 2, paragraph 7, might apply. As for ICRC, it has been given official status and exerts political influence in humanitarian matters in the context of an NGO.

Michael Costello

Article 2, paragraph 7, is not so clear-cut as some would indicate; the Article does not exclude enforcement measures under Chapter VII. There will be a slow, organic development of the meaning of the Article, but the tension between nation States and multinationalism will continue.

Chan Heng Chee

While political sensitivities might make countries hesitate to receive a peace-keeping force authorized by the Security Council, it might be possible to create a force, like the ECOWAS force in Liberia, but under the UN umbrella with authority decentralized to the regional unit. Might Chapter VIII of the Charter, dealing with regional arrangements, allow such an arrangement?

Obaid Ul Haq

The potential of Chapter VIII has not yet been properly used. The question of enhancing the role of regional arrangements in addressing various problems should be explored.

Michael Richardson

With regard to an appropriate role for Japan in peace-keeping operations, could that country fulfil the expectations of the international community and respect the restraints of its Constitution by sending substantial numbers of civilian personnel?

Marrack Goulding

Japan has already contributed civilian election supervisors to UNTAG. There is an increasing need for civilian personnel in these operations, in such capacities as civilian police, election supervisors, and so on. In addition, the possibility is being explored of transferring to civilian personnel some of the functions previously done by military personnel. There is no compelling reason why civilians could not fly helicopters or charter transports or be employed in maintenance. Leaving aside the constitutional consideration, there is a good deal that Japan could do.

Hisashi Owada

From a purely technical point of view, it is true that military personnel can perform all jobs, while civilian personnel can perform some jobs. But from the political point of view, it might be more constructive to satisfy political requirements as well as technical requirements.

Claus Vollers

Current and planned peace-keeping operations need the know-how of soldiers, diplomats and civilians. As for the question of interference, it should be remembered that respect for human rights is mentioned in the Charter.

Hisashi Owada

An international dimension might come from the fact that a situation touches on a basic norm of the Charter.

IV

CASE-STUDY: THE UNITED NATIONS OPERATION IN NAMIBIA

MARRACK GOULDING

Let me put the UNTAG operation into context. Since 1976, the UN Security Council and the General Assembly had been pressing for Namibia to become independent, specifically through free and fair elections under the supervision and control of the United Nations. Negotiations finally led to an agreement on a settlement plan. The South African authorities would remain in control of the administration of the Territory during a transitional period leading to independence, but a substantial UN peace-keeping operation would be deployed to ensure that all the necessary conditions were met for a free and fair election to take place.

The task thus given to the United Nations was a difficult one for a variety of reasons. First, there had been a long and cruel war between the South African authorities and the South West Africa People's Organization (SWAPO), the national liberation movement in Namibia, recognized as such by the United Nations. Second, that long and cruel war had brought about a profound distrust between the two sides. Third, the South African Administration in Namibia was essentially an apartheid-type administration. Some of the features of what is called "petty apartheid" had been lifted by the time the UN operation began, but the administrative structure of the country was one in which there was a separate administration for each racial group.

The fourth problem that we had to face was that the South African security forces, again because of the war, had a dominant position in the government of Namibia. A large section of the northern, most populous, part of the Territory was a military area effectively under military administration. Finally, because of the long years of colonial rule, there was absolutely no tradition in Namibia of free and fair elections. There was thus a great deal of education that had to be done of the electorate itself about what a free and fair election amounted to and how it was done.

From that you will see that the task of UNTAG was essentially a political one. It had to bring about a fundamental change in the political environment in Namibia, and it had to do it in a very short time. It had to assist or in some cases pressurize the colonial Administration to adjust to the idea of free and fair elections on a non-racial basis. It had to help the ordinary people of Namibia to acquire confidence that a new opportunity was being made available to them which had not existed before. And it had to persuade the military people, both the leadership and combatants on both sides, that the war really was over and that the dispute in Namibia was not going to be settled by force of arms but by a democratic electoral process.

UNTAG had to do all those things under an intense international spotlight, directed at it from the United Nations

The United Nations Transition Assistance Group (UNTAG) was headed by the Special Representative of the Secretary-General in Namibia, Martti Ahtisaari. At the time of the symposium, both Mr. Ahtisaari, Under-Secretary-General for Administration and Management, and Cedric Thornberry, who had been Director in the Office of the Special Representative in Namibia, were in the Persian Gulf area on a mission for the Secretary-General to assess the humanitarian needs arising in the post-crisis environment. Under-Secretary-General Marrack Goulding, who was the focal point at Headquarters for UNTAG, and Ingrid Lehmann, who was District Supervisor for the Windhoek Electoral District, presented the case-study on the UN operation in Namibia.

in New York and from dozens of NGOs covering the political spectrum, which followed closely and often very critically the work of UNTAG. UNTAG was led with great ability by Martti Ahtisaari. Many of those international observers, whether Governments or NGOs, were distrustful of the UN ability to carry out this task. That mistrust was heightened when the operation went badly wrong at the very beginning. UNTAG was having to work both internally, creating in Namibia the conditions for free and fair elections, and externally, to enable the Secretary-General to persuade world public opinion that the United Nations was correctly carrying out the implementation plan and doing a good job.

Very briefly, I would like to summarize UNTAG's tasks under five headings. The first heading is the military. As we said yesterday, UNTAG's tasks were essentially familiar from previous peace-keeping activity, and they included monitoring the cease-fire, confining the forces of the two sides to base, verifying the withdrawal of South African forces in accordance with the agreed plan, and verifying the demobilization of the local security forces which South Africa had established in Namibia.

The second heading is law and order. The principal task was to monitor the existing security forces, which were still under the direction of the South African Administrator-General. Those security forces included a counter-insurgency unit (Koevoet) which had, for good reason, become deeply hated in the northern part of the Territory. Koevoet was not demobilized until the latter stages of the operation since it was technically part not of the army but of the security forces. That was one of the aspects of the UNTAG operation which aroused the most criticism both inside and outside the Territory, since Koevoet remained in existence for most of the transitional period.

The third heading is creating the political conditions for free and fair elections, which included such activities as ensuring the repeal of all discriminatory legislation or other legislative systems limiting free and fair elections; negotiating with the South African Administrator-General on an amnesty for political offences and a general amnesty for returning Namibian refugees; negotiating the release of political prisoners and detainees held by both sides (again a very controversial part of UNTAG's task); and very importantly, conducting an information campaign to carry out the educational process to enable the ordinary people in Namibia to understand what was happening and to understand the opportunity that existed for them.

The fourth heading is the return of refugees. Most of the refugees were in the neighbouring countries of Angola and Zambia, but there were many others around the world. UNHCR implemented a programme for their return and over 40,000 were returned in time to take part in the election.

A final heading is the actual election. UNTAG was not the electoral authority, but it was intimately involved as a result of its task of supervising and controlling the South Africans' conduct of the election. That involved, for instance, negotiating with the South African Administrator-General on all the electoral legislation to be introduced. It included matching South African electoral officials as closely as possible, during the process of registration of voters and during the election itself.

At its maximum strength, UNTAG consisted of just under 8,000 people coming from over 120 different countries. This number included UN staff members and civilian and military personnel made available to the Secretary-General by the Governments of Member States and in one case by a non-member State, Switzerland. Those 8,000 people consisted of approximately 2,000 civilians, including local staff, 1,500 UN policemen and about 4,500 military personnel. The total cost was about $380 million.

There were major difficulties at the beginning over finance. The considerable reticence on the part of the principal contributors about the size of the original budget

caused a delay. A further delay was caused when the detailed budget was submitted to the General Assembly's Fifth Committee for approval and a number of, if I may say, extraneous issues arose—like the question of whether UNTAG should be permitted to acquire goods and services from South African-owned suppliers. The result of those delays, essentially related to financial and administrative questions, was that the deployment of the operation was very severely behind schedule in relation to an already agreed cease-fire day.

The operation started disastrously. The cease-fire day had been fixed for 1 April. On that day, there was an infiltration on a broad front into Namibia from Angola of more than 1,000 SWAPO combatants. They immediately found themselves in combat with South African police forces, the military forces having been confined to base that morning in accordance with the plan. SWAPO said that these people were crossing with peaceful intent, their purpose being to hand themselves over to the United Nations with their weapons in order to be confined to camps inside Namibia. The South Africans said that this was contrary to the cease-fire which specifically excluded cross-border movements of armed personnel. They said it had never been agreed that SWAPO combatants would be confined to base inside Namibia as SWAPO had no bases inside Namibia. The fighting was intense for a period of about 10 days; more than 300 people were killed, most of them on SWAPO's side. The distrust which I referred to earlier became even greater as a result of this tragic development. It led to a discrediting of the United Nations at the very beginning of the operation. Six weeks were required to sort the mess out, to get the SWAPO fighters back over the border into Angola and to get the South African army back into its bases where it was to be confined.

Getting the operation back on track was helped enormously by outside Powers, by the United States and the Soviet Union, by Cuba, Angola and by the front-line States generally. It is an important example of how the successful conduct of these operations does require that the Secretary-General be supported by the Member States of the Organization.

Eventually, UNTAG achieved what I think is generally recognized as a great success. The repatriation programme went very well. The registration went very well. When the election came, there was a massive turnout. Ninety-seven per cent of the registered voters voted and there were no allegations of any serious irregularities. There was a decisive victory by SWAPO, but nevertheless a victory which made it necessary for SWAPO to win the consent of the other parties represented in the newly elected parliament to approve the new Constitution. The Constitution was rapidly adopted by unanimous vote, and Namibia proceeded to independence smoothly with great rejoicing a few days ahead of schedule.

UNTAG succeeded in doing all this a few tens of millions of dollars under budget.

INGRID LEHMANN

I would like to outline briefly what I see as the novel aspects of the UNTAG operation. First, there was the network of district political offices, whose job was to report to the Special Representative of the Secretary-General about political developments in their districts. This system gave the Special Representative an advantage with regard to negotiations with the South African Administrator-General and allowed him to react quickly to difficulties encountered. Another task of the district political offices was to inform the population as to the nature of UNTAG's mandate, the purposes of the UN peace plan as approved by the Security Council [Council resolution 435

of 29 September 1978] and the reasons for the UN presence in their country.

Second, we had what was probably the largest and best-targeted information campaign of any UN operation ever. It involved a multimedia publicity campaign in 11 languages using printed materials, radio programmes, weekly television programmes, an education campaign for voter registration and the elections. This helped very much in building up confidence among the population in the democratic political process. The population was initially quite doubtful and suspicious concerning the sizeable international presence. The education of voters became particularly important with the beginning of the registration campaign, which lasted for three months. District political officers held public meetings and went to address school gatherings and church meetings on a regular basis. All of this contributed to educating the people about their civic rights and increased their confidence in participating in an open political process.

Another novel feature of the UNTAG operation was a code of conduct, worked out following the Secretary-General's visit to Namibia in July 1989. In a meeting with the ten registered political parties that had qualified to participate in the election, an agreement was reached regarding a code of conduct. This code laid down ground rules for political conduct in a country which had never before seen a democratic political process at work or enjoyed free and fair elections.

In order to implement the code at the district level, weekly meetings were held with representatives of all the political parties in the district. In my district, for example, representatives of political parties that had previously fought one another sat down at the same table for the first time in their political lives. These meetings allowed us to probe allegations of misconduct, involving for example the harassment of party campaign workers, the removal of placards, flags or other symbols of one party by another, threats or acts of violence at political rallies, and acts of intimidation. We also probed allegations of the violation of the principle of impartiality, which also applied to UNTAG staff members. Their impartiality was under constant scrutiny from various political parties, and allegations of partiality by UN staff were reported by the local media on an almost daily basis.

In addition to severe logistical problems in the start-up phase, difficulties included trying to match the South African Administration in terms of numbers. We did not match them one-on-one, but we did manage to have UNTAG representatives at all times in every registration centre and at every registration point, of which there were over 2,000 in the country. We also had over 100 mobile teams who worked hard to monitor their South African counterparts under often trying physical conditions. During the polling, the week of the elections, the ratio of UNTAG to South African administrators was on average 3 to 5. This ratio allowed an effective control of the South African conduct of the elections.

In the area of communications, we did have initial difficulties, but during the election, UNTAG radio communications became really the one and only, the exclusive channel of communications functioning throughout the country. In my district, we gave South African officials access to our radios, which allowed us to straighten out any problems at any polling station on very short notice.

In terms of the structure of the operation, the difficulty was that the UNTAG district structure did not match the South African administrative structure. We had an additional layer of regional offices superimposed over the district structure which could have easily foiled the counterpart system. It made the operation more difficult and was quite unnecessary.

One of the main difficulties was that one could not know in advance what the requirements on the ground would be,

saw, three or six months down the road. I was in Namibia already in February 1989, before going there again in March. At that time, no one could have foreseen that by July or October the UN civilian police would be more needed than UNTAG military contingents. As the political process unfolded, the police contingents were in great demand because of their role in preventing intimidation and investigating allegations of misconduct. They arrived on very short notice and in some instances with very little training due to the pressure of getting additional numbers of police there quickly. There was no time to have them trained as thoroughly as we might have wanted.

Training is essential, and the first wave of civilian political staff were well prepared through the briefings and practical training they received at two- and three-day courses in New York and Geneva. Later on, we trained the registration and polling officers at the district level in Namibia. Several of the governmental monitors who came in for the election had their training at home and were experienced polling officers, but we also spent two days with them at district headquarters giving them particular information about the district they would be working in and the polling and vote-counting mechanisms.

One of the experiences that we found most useful was that the registration and polling teams were well mixed in more ways than one. They were as much as possible racially mixed, and they were also a mix of experienced civilian staff with less experienced short-term staff, and experienced police monitors with new arrivals, so that we would always have people who had been there for a long time, and who knew the local conditions, together with newcomers. The racial mix was very important because, although the apartheid laws had been abolished, racially divided attitudes were still prevalent in Namibia. UNTAG teams, with people from all parts of the world, at first shocked the local population—they just hadn't seen blacks and whites and Asians sitting in a car together and working on an egalitarian basis—but it helped in breaking through apartheid barriers and in loosening up the tense racial situation which continued to exist in the population. The greatest difficulty was in maintaining an impartial stance throughout to increase confidence and gain the trust of the population that UNTAG was there to do the job it was assigned to do—not as another political party—and that we were working to implement freely and fairly the 435 process which would lead the country to independence.

MARRACK GOULDING

It is correct that one needs to do a lot of reconnaissance. But however much reconnaissance you do before an operation is put in the field, you are going to get surprises. A lesson learned from Namibia is that we have got to be flexible, perhaps more flexible than we were in Namibia, in adjusting size and composition. In the case of UNTAG, we were flexible and effective

in increasing the size of the civilian police component. It was much more difficult to reduce other components, the reason being essentially political. Governments are very enthusiastic about taking part in operations of this kind. While it was clear after the first three or four months that we could do with one less infantry battalion, it would have been extraordinarily difficult at that stage in the operation when expectations were so high to say to any one of the Governments that had contributed infantry battalions, "Thank you very much, we don't need your lads anymore." But I endorse what was said about flexibility and adjusting the size and composition of a peacekeeping operation during its course.

I want to mention four other lessons. It must be quite clearly established that the parties to the conflict in question have accepted the implementation plan which the United Nations is being asked to carry out. It is essential that the parties, South Africa and SWAPO in the case of Namibia, should understand what is required of them, what they have committed themselves to and what the United Nations will be doing. There must be no ambiguity. The arrangements for the confinement to base of SWAPO combatants in neighbouring countries had been reluctantly agreed by SWAPO seven years before UNTAG was born. The fact of this agreement was buried in one sentence in a report sent at that time to the Security Council by the then Secretary-General. That is not sufficient in my view for a matter as sensitive and central to the plan as this one. There must be clarity and transparency in exactly what the implementation plan is and on what everybody has agreed to do.

Second, Member States should not put the Secretary-General in the position where he is required to implement a plan to carry out the mandate given by the Security Council before the personnel he needs have been deployed. I mentioned earlier that delays, basically of a financial origin, did result in UNTAG's not being fully deployed April first. This lesson was reflected in the arrangements for the United Nations Observer Group in Central America (ONUCA), where we said the date on which this group would start work was x-weeks after the General Assembly appropriated the necessary funds. That is, the Secretary-General does not commit himself to having the operation in the field without the provision of the necessary funds by the General Assembly. That is likely to be a feature of the establishment of all new peacekeeping operations.

The third lesson is the tremendous importance of the continuing support of the members of the Security Council and other interested States during the implementation of the operation. While their support is obviously an aspect of the original decision to set up an operation, there must be continuing support. During the UNTAG operation, the Security Council, the Non-Aligned Movement and the African Group were able to help the Secretary-General. The Security Council's resolutions were a form of persuasion, perhaps slightly pressured persuasion, on South Africa to comply more fully and closely with the implementation plan.

The final lesson, or cluster of lessons, relates to the organization of operations of this kind. This was the first time since the Congo operation in the early 1960s that the United Nations had deployed a mix of civilian and military components on such a scale. It set the pattern for future operations. First, there is the question of command and control. It is quite clear that an operation of this kind needs to be under the command and control of one individual, and that individual needs to be a civilian. Martti Ahtisaari, the Special Representative in Namibia, was a civilian. The heads of all the different component parts were responsible to him, and he reported to the Secretary-General. In the Congo, there was a different

arrangement. A civilian head and a military head reported in parallel—an arrangement not to be recommended and not the kind of arrangement that you will find in the future in large operations of a complex nature.

Second, the whole operation must work closely in a coordinated way. You need for instance to have a single logistic support system, serving the operation as a whole. That did not work terribly well in Namibia, but in future operations it will work better. The same applies to coordination between the different elements in the districts and the regions. At the beginning in Namibia, this coordination was not all that it should have been. We need to develop an organizational structure which to some extent forces the different components into close cooperation and coordination, not just at headquarters but also in the regions and districts.

The final lesson we learned from Namibia and which will be reflected in future such operations, was mentioned by Rafeeuddin Ahmed earlier, and that is the arrangement at Headquarters in New York. Either a task force, as in the case of Namibia, or a senior official working under the Secretary-General must coordinate all the activities relating to the operation undertaken by all the Secretariat departments involved. In an operation like UNTAG, practically every department, certainly all the administrative departments, are closely involved. That support needs to be very closely coordinated in New York.

DISCUSSION AND COMMENT

Olara Otunnu

The external friends of the parties to a conflict play a crucial role in making it known to them that the option of reneging on the agreements reached is not available. The parties cannot ignore this advice since they depend on the good will of their friends to continue the conflict if the negotiated settlement does not work out. Momentum is another important factor. In correcting the nearly disastrous events of 1 April, a new momentum was created which later helped to overcome other, just as serious, difficulties.

Takekazu Kawamura

UN Secretariat efforts in Namibia have been well rewarded and deserve the praise of the international community. Factors in the success include the enthusiasm of Namibians, the conscientiousness of election officers, the consent of the parties, good relations between UNTAG and the local authorities, and the advice of UNTAG in crucial matters. In-depth training is vitally important, and the 27 Japanese election officers, accompanied by a logistic-liaison support team, received such training in Japan and in Namibia. The question of national logistical teams in support of a UN operation might also be considered. Before the operation in Cambodia begins, an assessment of UNTAG in Namibia should be prepared by the Secretariat. As for public support in Japan for peacekeeping, it has greatly increased because of wide media coverage of UNTAG in Japan.

Joe Sills

Parallel to the difficult budgetary situation of many Member States, the United Nations has a zero-growth budget, and the phrase "within existing resources" is often heard in New York. It is safe to say that any operation, no matter how broad the support, is subjected to intense budgetary scrutiny. Furthermore, while this is an "information age", the highly successful UNTAG information programme was included only with great difficulty. Since then, DPI has developed a master plan for information programmes,

which can be adapted as required to meet the needs of future peace-keeping operations, but which should be considered as an integral part of any peace-keeping operation.

Obaid Ul Haq

Financial problems are a reflection of political problems. If there is a political consensus, then finances follow.

Claus Vollers

Making political decisions in the Security Council is a lengthy process which, in the case of UNTAG, caused time pressure when the operation was being set up. Furthermore, Member Governments do not have advance information needed to select personnel and provide training. Although Western Governments oppose a special fund for advance preparation, a background folder prepared in the Secretariat might be especially useful for countries participating in operations for the first time, as was the case of German participation in UNTAG. The size of the operation and the exact numbers of personnel required are important considerations in ensuring success, as is cooperation between the various components.

Ingrid Lehmann

The functions outlined according to the 435 plan for Namibia were in large part political and civilian. Civilians are better suited to deal with sensitive political processes and do not wear military uniforms. In Namibia, military uniforms connoted for the local population intimidating and often life-threatening experiences with troops and paramilitary units. UNTAG military personnel at polling stations did not wear uniforms. At the same time, the civilian police were particularly important in building confidence in the population. In Nicaragua, by contrast, no one would argue that the demobilization of the Resistance could have been done by civilians. Due consideration should be given to the types of jobs best suited to civilians or to the military.

John Sanderson

Ten years before Australian troops were deployed in UNTAG, Australia began training personnel in minimum-force operations, in normal construction engineering, and in activities like operating roadblocks and assisting with electoral control in order to meet the future operation's engineering needs and, at the same time, provide maximum flexibility for whatever activities the commander might confront. The Australian contribution was essentially a heavy construction organization with a combat engineering component attached plus its own communications and infrastructural staff, which increased its flexibility. During the imminent disaster in April, Australian engineer advance parties and British communications advance parties provided troops to establish a control zone in the north and rebuild confidence. While engineering and communications are likely candidates for transferral to civilian units, if the two forces in Namibia had been civilian, would they have been able to deal effectively with the situation? Confidence-building seems to require that personnel be available in difficult and dangerous circumstances 24 hours a day. If this is not done by military forces, then civilian forces will have to receive paramilitary training.

Russell Stuart

The head of an operation does not "need" to be a civilian, or anything else in particular. It might be a civilian, a military person, a man or a woman, from any race or religion, of any national origin. It is not a question of "us vs. them".

Marrack Goulding

A judgement concerning who should be in overall command of a field operation has to be made separately in each case in light of the tasks to be performed and of the views and sensitivities of the parties. While the qualities of leadership are found in military people in as full abundance as in civilians, there is greater sensitivity on the part of the parties about receiving military people on their territory than about receiving civilian personnel. For the United Nations to propose that a military officer should command an essentially civilian operation, such as one involving monitoring elections or human rights, might produce a very negative reaction. The essential point about command, however, is that one person must be in charge, not two reporting in parallel to the Secretary-General.

Reynaldo Arcilla

Did language problems in Namibia adversely affect the outcome?

Ingrid Lehmann

While Afrikaans, the official language in Namibia at that time, is not widely spoken in the world, the Dutch and Belgian police monitors were able to communicate in that language and were therefore particularly effective. Interpreters recruited by UNTAG received training which emphasized the need for impartiality.

Harvey Feldman

The National Democratic Institute of the United States has worked to set up independent election monitoring commissions in various countries. The process always begins by creating confidence that it is possible to set up such a commission. This is done by bringing in people from countries where this has happened; for example, people from the National Movement for Free Elections (NAMFREL) in the Philippines, or from Chile. These experienced trainers then teach the techniques involved, and provision is made for the necessary computers, facsimile machines and, where necessary, even telephones and trucks. The commissions have been successful in running a parallel vote count, which is a very important way of keeping Governments honest. Unlike in the case of UNTAG, the commissions have become indigenized, ongoing bodies with local avenues of support.

ALVARO DE SOTO

V

CASE-STUDY: THE PEACE PROCESS IN CENTRAL AMERICA

Those of us in the Secretariat involved in Central American matters are inclined to believe that our colleagues who were responsible for Namibia had an easy time of it to the extent that they were working on the basis of a plan that had been drawn up 10 years before, and therefore it was essentially a matter of implementation. In the case of Central America, the UN role in the peace process would probably have been unthinkable even a few years ago. I am sure that Ambassador Feldman, here present, will testify to the fact that the United States Government, a permanent member of the Security Council, was until quite recently not particularly enthusiastic about UN involvement in peace-making, if I may use that word, in Central America.

I would like to pinpoint those areas in which there may be lessons to be drawn, both from what we are doing in Central America and in other parts of the world where the United Nations has been involved. I cannot omit a reference to the background. In contrast to the existence of a central plan, the Security Council had managed until 1983 to avoid any pronouncement whatever on the question of Central America. It was only in May 1983 that the Council adopted resolution 530, and even then barely nibbled around the edges of the problem by simply endorsing the then ongoing efforts of the Contadora Group.

The Group, consisting of the Foreign Ministers of Colombia, Mexico, Panama and Venezuela, undertook a diplomatic effort to help the Central American countries help themselves out of their great difficulties—these difficulties being cross-border guerrilla warfare, a situation where the internal conflict in some of the countries tended to spill over into neighbouring countries and embitter their relations. This was combined with a severe economic crisis. One would normally imagine that the Latin Americans would resort to the regional organization, the Organization of American States (OAS). However, one of the Central American countries, Nicaragua, then under the Sandinista Government, was not in favour of resorting to a regional organization dominated in their view by the regional Power, the United States. The other Central American countries did not want UN involvement, since they viewed the world Organization, particularly the Security Council, as being dominated by Powers extraneous to the region.

The Contadora Group breached the gap, and made a courageous effort to bring the Central American countries together. Their diplomatic efforts were to some extent thankless. No formal agreements came about as a result, in spite of enormous amounts of energy and time. They did, however, lay down a considerable amount of groundwork regarding economic, political and security issues; there were even some attempts at helping design regional disarmament efforts.

At a low point in these efforts, in 1986, the UN Secretary-General, together with his colleague from the OAS, made a gingerly *démarche* to the Central American countries and the Contadora Group. He was taking advantage of the fact that the Secretary-General of the United Nations, then as

now, was a Latin American, and therefore less unacceptable to the Central American countries as an interlocutor. He simply reminded them that there were a number of services the United Nations and the OAS, separately or jointly, could provide to assist in the effort to settle the problems of the region.

The *démarche* seems to have had a catalytic effect, particularly with regard to the initiative of President Oscar Arias of Costa Rica, who subsequently obtained the Nobel Peace Prize for his efforts, to draw up what became known as the Esquipulas Agreement of August 1987. Resolution 530 of 1983, which I mentioned earlier, merely asked the Secretary-General to keep the Security Council abreast of what the Contadora Group countries were doing. The Esquipulas plan of 1987 laid down a certain number of guidelines which continue to be valid. There was, for instance, a joint approach to regional democratization and pacification; one could not be done separate from the other. Under the democratization leg, there should be a genuine effort at national reconciliation in the Central American countries. The five countries agreed to establish what they called national reconciliation commissions composed of representatives of Governments, political parties and eminent personalities, and which were meant to be a forum to merge the views of those who felt left out of national efforts. They were also meant to be vehicles for hearing the views of those who considered themselves disenfranchised, that is, irregular groups or insurgent forces. In addition, the principle of internationally supervised elections was established.

The other leg, pacification, was added to discourage outside military assistance to irregular forces or insurgent groups operating in the region. It was also a way of seeking some sort of role by the international community in assuring adherence to the countries' commitments to cease support for insurgent groups or irregular forces and not to use their territories to support their activities.

The next step in the involvement of the United Nations was Security Council resolution 637 of 27 July 1989. This landmark resolution commends the efforts of the Central American countries, expresses its firm support for the Esquipulas Agreement, and urges the States to continue in their efforts. In its most innovative aspect, the resolution lends its full support to the Secretary-General in his mission of good offices in consultation with the Security Council. This, I think, is perhaps the most important breakthrough in the practice of the Security Council regarding UN involvement in peace efforts in the region. It is the one that has permitted a growing and innovative role by the United Nations and specifically by the Secretary-General in peace efforts in Central America.

The Secretary-General, although on the sideline of efforts being conducted by others, submitted to the Security Council and the General Assembly over the years regular reports regarding the Contadora efforts. He pointed out, among other things, what he saw as the root causes of the conflicts in Central America. In his view, it was not simply a military problem. There were also problems related to the lack of democracy, as well as problems of an economic and social nature. In his private discourse with the Presidents of the region, the Secretary-General pointed out certain structural flaws in the approach they had taken. There had been, for instance, a certain reluctance on the part of the Central American countries to accept the notion of impartial verification in the supervision of their task. (This is an idea that came to fruition somewhat late in the peace process.) In addition, the Esquipulas Agreement, while positing the correct principle—democratization hand-in-hand with peace-making efforts—did not find a satisfactory means of bringing into the negotiating efforts prominent actors whose agreement was an absolute requirement for achieving peace, to wit, the irregular forces and insurgent movements. The United Nations, however, was in a position to

assist in bridging these gaps, having had long-standing operational contacts with diverse groups involved in local conflicts. This could be done in a practical way, without compromising the internal character of the conflict or the issues involved.

Two and a half years after the signature in August 1987 of the Esquipulas Agreement, the Central American countries finally brought themselves to make a formal request to the United Nations to set up a verification mechanism for the commitments undertaken, these being the cessation of aid to irregular groups and insurgent forces and the non-use of their territory to assist these groups in subverting neighbours. They requested the Security Council, through the Secretary-General, to establish an observer group, which led to the creation of the first peace-keeping operation of the United Nations which carries a Spanish acronym, ONUCA. ONUCA personnel are posted in the five Central American countries, with headquarters in Tegucigalpa, Honduras. In addition to liaison offices in the five capitals, there were, until a reduction in the operation of ONUCA after what occurred in Nicaragua, verification centres in several parts of the region. These centres conducted patrols and responded to complaints regarding violations of the commitments under the Esquipulas Agreement which are part of the terms of reference.

In comparison to UNTAG, ONUCA is a small operation. At its height, it had fewer than 400 unarmed military observers who conducted patrols on land and were also equipped with helicopters. There is now a naval component (which, if I am not mistaken, is also a first for UN peace-keeping operations) which patrols the Gulf of Fonseca, where Nicaragua, Honduras and El Salvador meet. ONUCA has been in operation since November of 1989. Because the developments in Nicaragua essentially put an end to the problems caused by the existence of the Nicaraguan Resistance, the "Contras", we have been able to reduce our presence in Nicaragua and along the border with Costa Rica and reduce considerably the operations inside Costa Rica. The military observers now number about 158 in the whole of the region.

In early 1989, the Sandinista Government of Nicaragua decided to make a bold gesture in order to try once and for all to put an end to continued harassment by the Contras. The President of Nicaragua, at a summit of the five Central American Presidents, had offered to lay his Government on the line at the polls and to convene early elections. Since the main issue, but not the only issue, in the eight-year Nicaraguan war was the legitimacy of the Sandinista Government, this in effect allowed for a gradual winding down of operations of the Nicaraguan Resistance. This of course occurred in parallel to the decision by the United States to cease military aid to the Contras.

With regard to the elections, the United Nations was faced for the first time with a credible request for conducting electoral monitoring within the territory of a Member State. The elections were to be observed by both the United Nations and the OAS. Other observers were also present, but these were the two official groups.

Here perhaps I should open a parenthesis. The issue of electoral observation or monitoring was earlier discussed

at some length. I know my colleague Marrack Goulding enumerated for you what we consider to be the rules of thumb applied on these occasions. However, from my own vantage point, I should add that, contrary to popular belief following the experiences of Nicaragua and Haiti, the United Nations does not do electoral observation. We have a long-standing practice of declining such requests. During my time in the Secretary-General's Office on the 38th floor of the UN Secretariat, I am sure we must have declined anywhere between 12 and 15 such requests and we continue to decline them. Exceptional circumstances, however, had arisen in the cases of Nicaragua and Haiti. Not only was there, in the case of Nicaragua, a request by the Government, thus waiving from the Member State's point of view the requirements under Article 2 (7) of the Charter, but also the entire body politic, opposition political parties as well as the Nicaraguan Resistance, were clearly in favour of UN observation. There was also clear backing by an organ of the United Nations, at that time the General Assembly. It was also made clear that we would be in a position to carry out the monitoring throughout the territory without any restrictions. We would be able to observe not just the people voting on election day but rather the entire process. There is a final and, I would say, crucial aspect. Besides the international dimension provided by the context of the Esquipulas process and the support of the other Central American Governments for Nicaragua's invitation, it was clear that this was occurring at a defining moment in the history of a UN Member State. The United Nations was therefore in a position, after a very careful and wide sounding conducted by the Secretary-General and subsequently endorsed by the General Assembly, to go ahead with the decision to monitor the elections.

Some of you may be surprised by my categorical affirmation that the United Nations does not monitor elections. As it happens, there is a resolution adopted at the latest session of the General Assembly which carries the title "Enhancing the effectiveness of the principle of periodic and genuine elections" (A/RES/45/150). That resolution asked the Secretary-General to seek the views of Member States, specialized agencies, and other competent bodies of the UN system, as well as those with specific expertise in this area, concerning suitable approaches that would permit the Organization to respond to the requests of Member States for electoral assistance. This consultation with Member States and others and the preparation by the Secretary-General of a report to the forthcoming session of the General Assembly is something that places us at the cusp of a defining moment in the history of UN policy regarding electoral monitoring. The United Nations, with the input and views of Member States, will be in a position to decide the scope of its electoral monitoring activity and whether to loosen the criteria for accepting such mandates in the future.

I believe that many are disappointed that the United Nations has not been more forthcoming in this area over the years. The United Nations has been somewhat conservative. That is because many prefer that the United Nations not be too liberally involved. I would draw to your attention, since I happen to be in Singapore, the fact that the adoption of the resolution just mentioned was not uncontroversial. Just to mention the case of Asia, four Asian countries voted against this resolution, two Asian countries abstained, and four Asian countries did not participate in the vote. The Organization as a whole will have to ponder what it wants to do in the future.

It will also have to bear in mind administrative and budgetary considerations, which are certainly not irrelevant. Anyone working at Headquarters during the Namibia experience, for instance, will recall the impact the operation had on the Secretariat, where, in order to carry out the operation, there was begging, borrowing and outright stealing

of personnel from the diverse offices of an already depleted Secretariat.

To come back to my subject and close the parenthesis, once the United Nations decided to monitor the Nicaraguan election, we were faced with a new and separate request from the Central American countries. We were asked to establish, together with the OAS, an international commission for the support and the verification of the demobilization and resettlement of former combatants of the Nicaraguan Resistance. We were talking about tens of thousands of combatants plus their dependants located mostly in the neighbouring countries. This was a not inconsiderable task, requiring a division of labour between the United Nations and the OAS. The United Nations was responsible for receiving the weapons of the former combatants. For this purpose, we temporarily expanded ONUCA with a battalion of Venezuelan troops. The weapons were not only received but also destroyed on the spot with oxyacetylene torches. In Honduras, the combatants were then processed and assisted by the United Nations; those in Nicaragua, by the OAS. This operation is now winding down and the follow-up is largely a matter for the OAS and UNHCR. This operation took place subsequent to the successful monitoring of the elections in Nicaragua.

Election observation was carried out on the basis of experience acquired in Non-Self-Governing Territories and with the assistance of other entities, including NGOs. It was done with personnel either recruited from Member States for the purpose or from existing UN staff. We established a presence throughout Nicaragua. We were also able, with an essentially bare-bones operation, to have a parallel count of the vote. We had to be rather careful about this. We had been invited not to actually conduct the election but rather to observe it. What we did do, however, is to set up a system for establishing a quick count of the vote based on projections from selected regions. As a result, the United Nations was the first by many hours of the several entities in the until then most observed elections in history to have an accurate reading of the final result—accurate to within half a percentage point of the final result. We had this reading at 9 p.m. on election day.

This information, which was not made public, proved crucial in the overnight efforts—which I would almost dare call mediation, not only by the Secretary-General's Personal Representative, Elliot Richardson, but also by the Secretary General of the OAS and Jimmy Carter, who was there as an elder statesman—involving the President of Nicaragua, who had to assimilate the blow of an unexpected defeat, and the victorious parties. The fine-tuning of the reaction of supporters on both sides that night was, I think, a key factor in ensuring the success of the transitional effort in which the United Nations played an important role.

Now let me say a few words about El Salvador. In the case of El Salvador, you have a conflict which has been furiously burning for over a decade, with government armed forces pitted against a guerrilla front. The Front is composed of five groups who got together in 1980 following a long history of military dictatorship in the country. There have been over the years efforts to resolve the conflict, efforts initiated mostly by the then Government of President Duarte. Those efforts led to very little, the two sides essentially talking at each other. The Government demanded that the FMLN, as the guerrilla group is called, lay down its weapons and subject itself to the will of the voters; the FMLN asked to participate in government and to merge the armed forces or that the Government give up power. More serious efforts were undertaken towards the end of the 1980s.

The call by the five Central American Presidents in the Esquipulas Declaration of 1987 for guerrilla groups, be they insurgent forces or irregular forces, to lay down their weapons and participate in national reconciliation went

unheeded by the FMLN. Towards the end of the decade, the Catholic Church began to play a more active role. In September and October 1989, two sets of talks were held between the Government and the FMLN. In October, the Secretaries-General of the United Nations and the OAS were asked to accredit representatives to observe these talks. They ended with the FMLN walking away from the negotiating table and launching a major offensive in November 1989, best remembered for the massive guerrilla penetration of the cities and the murder by elements of the armed forces of a number of Jesuits to whom some attributed intellectual responsibility in support of the guerrilla movement.

Towards the end of 1989, both the Government of President Cristiani and the FMLN approached the Secretary-General separately about the possibility that he might play a mediating role between them, bringing the conflict to an end. This idea was reflected in a statement by the five Central American Presidents in December 1989. Following a visit to New York by the President of El Salvador in late January, an effort was made to set up a framework. This framework, agreed by the parties on 4 April 1990, and under the auspices of the Secretary-General, brings together the two sides in a complex set of negotiations involving direct talks, with the participation and in the presence of a representative of the Secretary-General, and shuttling between the two sides by the Secretary-General's representative. It also includes, though slightly on the margin, participation by the legal political parties and other social organizations as well as the Church.

This is conceived as a national effort with the assistance of the UN Secretary-General, and has received the subsequent endorsement of the Security Council and the General Assembly. It is not merely an effort to bring an end to the conflict. It has a fourfold purpose: to bring an early end by negotiated political means to the conflict, to promote democratization of the country, to guarantee unrestricted respect for human rights and to bring about a reunification of Salvadorian society. An agenda for the negotiations has been agreed, as well as a calendar. It is a two-stage process. The first stage is to reach political agreements in a number of areas and, as a result of these political agreements, to come to cease-fire arrangements; all of this under the supervision of the United Nations. The items on the agenda are, first and foremost, the all-pervasive issue of the armed forces; then, human rights, the judicial system, the electoral system, constitutional reform, economic and social questions and finally verification by the United Nations.

The negotiations are currently still in the first phase. There is not yet an agreement on the extremely sensitive armed forces issue. There is an agreement on human rights. All other matters are pending. Already there have been 11 months of negotiations on these issues. The fact that there is no agreement yet on the armed forces or on the other issues does not mean necessarily that all ground still needs to be covered, but rather that an agreement will only emerge once there is an agreement on all of the issues involved, and this for obvious reasons.

The second stage of the negotiations will be to work out whatever remains pending from the first part. This could lead to what is expected to be a fairly radical reduction of the armed forces, which have quadrupled as a result of the war, and to the demobilization of the FMLN, all under UN supervision.

The Secretary-General has put to the Security Council the need for the creation of a multifaceted supervision mechanism in order to verify compliance with the diverse components of what will in due course emerge as agreements from the negotiations between the Salvadorian parties. At present, as of yesterday, a technical mission is in El Salvador to assess the needs of the first component—for the verification of human rights—of this mechanism. In July of last year, the Government and the FMLN agreed to a series of tar-

reaching commitments regarding respect for human rights, including the establishment of a UN verification mission which has as its task nationwide, long-term monitoring of human rights in El Salvador. You will recognize that this is unprecedented. Never has the United Nations done anything like this. And never has something of this nature been done out in the open. The Secretary-General will be publicly reporting his findings on human rights compliance.

This will be the first part of what we expect to be an integrated operation. Another component would certainly have to be the monitoring of the cease-fire arrangements, once they are worked out, involving presumably separation of forces and perhaps a certain concentration while retaining weapons on the part of the FMLN.

The operation will be known as ONUSAL and will be headed by a senior representative of the Secretary-General. It is an ongoing process on which the last word needs still to be said.

The Secretary-General is also involved, though at an embryonic stage, in efforts which have been under way for close to a year to establish national reconciliation in Guatemala. There is in that country a considerably smaller guerrilla group which has been harassing the Government for a considerable amount of time. It is, in fact, the oldest insurgency in the region.

In addition, the United Nations is being approached by the Central American countries for assistance in a number of possible tasks, in part in the context of revived efforts towards regional disarmament. This would include, for instance, monitoring inventories of military establishments, conducted by the Governments themselves; a possible role in demining, since there are important areas of Central America where considerable mining has taken place over the years; and there are even requests for things which are far more difficult for the United Nations to handle such as the disarming of civilians.

I have already talked about one aspect at some length, which is the question of electoral observation. I should now like to highlight another aspect. We are faced with a process in which the United Nations is involved at the clear request of five regional Governments. It is a small region; most world maps reflect Central America as that tiny bit uniting North and South America. It is a very poor region. From the point of view of institutional development it is far behind, with the exception of Costa Rica. There are now elected Governments. But the Central American countries themselves, by agreeing that democratization is still a crucial goal in the region, agree that democracy is but a thin veneer. The region is densely populated, particularly El Salvador, with a population of over 5 million in a territory of 21,000 square kilometres. It is a region where problems, though internal, are clearly interlinked. In the case of El Salvador, for instance, both the FMLN and the Government refer to the civil conflict, but it clearly had an international dimension to the extent that it is very difficult to keep the Central American countries absolutely separate. They are cheek to jowl; a conflict in one has some sort of a spillover in the neighbouring countries. It is also an area which geographically and meteorologically is extremely complicated.

This is the new generation of problems in which the United Nations is increasingly being called upon to play a role. The Secretary-General addresses this question in his annual report on the work of the Organization, particularly in chapter III in relation to the question of electoral observation.

To summarize, I have, in the course of my remarks, pointed out a series of innovations in the role of the United Nations. There are many problems here, peculiar to the region. There is the new electoral component, the democratization component, the fact that we are dealing with internal problems with a certain international dimension, and where there is a certain clamour for the United Nations to be involved.

to waive the normal requirements of Article 2, paragraph 7, of the Charter.

DISCUSSION AND COMMENT

Kishore Mahbubani

In Central America, the United Nations has moved towards new ground, trying to resolve civil wars rather than inter-State conflicts. Were the consequences of opening this new ground considered before the United Nations acted? The United Nations has been asked in El Salvador to repair the internal fabric of the country. Is the Organization philosophically and institutionally ready to take on this far greater scope of world problems?

Alvaro de Soto

According to the basic philosophy of the Esquipulas Agreement, the conflicts cannot be separated from the problems of cross-border assistance and democratization. Security Council resolution 637 of 27 July 1989 phrased it well: the Council was "Convinced that the peoples of Central America wish to achieve a peaceful settlement to their conflicts without outside interference, including support for irregular forces, with respect for the principles of self-determination and non-intervention while ensuring full respect for human rights", and welcomed the agreement signed in Esquipulas by the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua "as the manifestation of the will of the peoples of Central America to achieve peace, democratization, reconciliation, development and justice ...".

The parties involved in the conflict approached the United Nations as if the conflicts were international conflicts—and at least in part they are—or internal conflicts with a certain international dimension. Even in the case of El Salvador, where the conflict is clearly internal, it has been agreed by all Central American countries that a solution might help to widen the peace process in the region. The strong backing of the Secretary-General, and the involvement by the five Central American countries, the Security Council and the General Assembly, have tended to blur the fact that the conflict is ultimately internal. The Secretary-General, however, could not but accept to get involved, with the backing of the appropriate organs; but it is not a precedent easily repeated.

If the parties to a conflict request the involvement of the Secretary-General, if there is general regional backing, and if the effort is endorsed by the appropriate organs of the United Nations, one might ask if the limitations contained in the Charter are not implicitly waived.

Olara Otunnu

Jumping over Article 2, paragraph 7, might be justified by reason of an international dimension, cross-border support, the beneficial effect in the region, or regional consensus, but is not consent a simpler rationale? Does the Secretary-General have an obligation to consult from the very beginning with the Security Council and the General Assembly? What is the division of labour in a crisis with regard to involvement by regional organizations and the world Organization?

Alvaro de Soto

In addition to the consent of the State concerned, a second requirement, international consent, is also needed. This means the tacit or explicit backing of a responsible intergovernmental organ of the United Nations or the involvement of the Secretary-General. In the case of El Salvador, a General Assembly resolution asking the Secretary-General to lend his efforts, and the Security Council's landmark reso-

lution 637 asking him to continue his mission of good offices, were already on the books. Furthermore, the Secretary-General has been careful to keep the Security Council regularly abreast of his activities. While there are no written rules regarding how and when the Secretary-General approaches an intergovernmental organ, it would probably be imprudent, speaking in the abstract, for a Secretary-General to undertake a mission of this character without some clear feeling that he would be backed in so doing. In the case of El Salvador, it was at the request of the Secretary-General that the parties included in their framework agreement of April 1990 a provision that verification is subject to the approval of the Security Council.

Resort to a regional organization or to the United Nations is optional. There is also no obligation to resort first to a regional organization and then, in the event of failure, to the world Organization. In the case of Central America, the United Nations and the Secretary-General were the preferred vehicles because an extraregional dimension was involved. One of the innovative components of the El Salvador framework agreement of April 1990 was a specific stipulation that the Secretary-General should be able to enlist Powers from outside the region to assist him in his efforts. It is widely known that the Secretary-General has been constantly in touch not only with countries from the region such as Mexico, Colombia and Venezuela, but also with Spain, the United States, Cuba and the Soviet Union, to name but a few.

MICHAEL J. COSTELLO

Let me say that my remarks are personal ones, and any slips are personal ones, not those of my Government.

Each year in our organization, and in most other foreign ministries, we look back over the previous year and we think about what will happen in the year ahead. And so we did in January 1990. I have to tell you that we did not predict that Iraq would invade Kuwait. Nor did we predict that there would be 13 Security Council resolutions. Nor did we predict that there would be a Security Council resolution permitting for the first time in a very long while the use of force. Nor did we predict the extent of US-Soviet cooperation. As a good Australian, I would like to make a small bet here, which is that no foreign ministry in the world made those predictions.

For me, the first lesson of the Persian Gulf war is a timely reminder to all practitioners of diplomacy: world developments are unpredictable. It has been put to me during the course of this valuable symposium that when there is a consensus of opinion about international events and their probable course, it is likely that the consensus will be right. I am sure that the consensus on about 1 August was that there would be no invasion of Kuwait by Iraq. I would like to suggest that very few predicted the course of developments after 2 August, their denouement—the ground war—and the brevity of that denouement. But the consensus would have been against such a prediction.

I recall the consensus of some five years ago among most foreign ministries and assessment bodies that Mr. Gorbachev was simply a passing phenomenon, that he was tinkering on the surface and that it would all blow over in due course and we would return to the certainties of the cold war. We practitioners repeatedly deal with situations having only limited information, which often turns out to be incorrect, and we have to do so under great pressure. Thus, the magisterial judgements of media, academics and historians excoriating us practitioners are pleasing to them but would be more chastening to the practitioners if the media, academics and historians did not have the benefit of complete knowledge and hindsight.

VI

THE CONTRIBUTION OF REGIONAL ARRANGEMENTS IN PROMOTING PEACE AND SECURITY

The second lesson of the Persian Gulf war was the indispensable role of the great Powers. We talked earlier about the great Powers and multilateralism. Once again it has been shown that cooperation between the great Powers is essential to make a multilateral system work effectively. Their commitment and their cooperation made it happen in a way it has not for many years. That is why I continue to believe that, important as what happened in the Persian Gulf was for the United Nations, important as the potential precedent might have been, even more important for the future of the United Nations is the course of Soviet policy and developments in the Soviet Union. If the Soviet Union does not continue down the course that it has chosen, with all its bumps—I do not necessarily question that it is going to—then the sort of approach that the United Nations has been able to take recently will not be possible.

It is important to recall that while we are all talking about the end of the East-West conflict, and while we are all talking about multipolarity, the central strategic and security relationship in the world remains that of the Soviet Union and the United States, both in nuclear terms and in terms of multilateral action. In the case of the Persian Gulf, however, the United Nations was essential to the purposes of the great Powers. They could not do without the United Nations. Could this coalition have been credibly put together without the United Nations? Could the vote in the United States Congress have been passed without the UN Security Council resolution? The United Nations became essential to the purposes and interests of the great Powers. This is a somewhat different situation, particularly in light of US attitudes towards the United Nations in the early 1980s. The United States may well answer, it is not the United States that has changed, it is the United Nations that has changed. However, the fact is that the United States and others worked intensively through the United Nations to achieve a united set of goals.

The third lesson of the Persian Gulf war, which everyone has correctly drawn to our attention, is that the decline in tension and automatic confrontation between the United States and the Soviet Union does not equal stability, order and the absence of conflict in the world. It is true that the world is no longer an international nuclear chessboard on which the great Powers play out their confrontation to a nuclear stalemate, or checkmate, and the rest of us are either pawns or at best bishops or knights. But it is also true that the habits of millennia are not going to change and that force and power will continue rightly or wrongly to be major determinants of international relationships. Indeed, the list of traditional sources of conflict, such as territory, resources and power, is expanding to include the possibility of conflict over matters such as the environment, terrorism, drugs and population flows. So we still have a huge security task in front of us.

A final observation about some of the lessons learned from the Persian Gulf war is the importance of strong regional institutions. It is no reflection on the Arab League or the Gulf Cooperation Council to say that regional institutions did not succeed in coping with the problems raised by Iraq's invasion of Kuwait. But it emphasizes for us, it seems to me, the importance of regional organizations in preventing and ameliorating disputes and conflicts before they get to the level of the Security Council.

In our own region, some of these lessons are playing themselves out and have been doing so for some time. In military terms, the Soviet Union has clearly drawn back towards the north, very substantially over the last four or five years, while the United States remains extensively engaged in this region. The United States has alliances with Japan and Australia and defence cooperation with a number of countries such as Singapore. There is every prospect that its security arrangements with the Philippines, under current negotiation, will work out positively. This is something we applaud. We believe that US engagement in the region has been of highly beneficial effect in the last decades and we wish it to continue. Whether the United States will become more isolationist or more assertive has been a subject of a lot of discussion within the United States as well as outside. The United States has already made clear—even during the build-up in the Persian Gulf to meet the threat from Iraq and during the course of the war—that it intends to continue with its necessary budgetary cuts in defence. That will have an impact in this region. In my view, there will be a steady drawdown, not a retreat, of the US presence in this part of the world in the coming years.

At the same time, countries in the region, as their economies grow in strength, are acquiring more advanced weapons technologies. Japan, as we have heard, is seeking to define its regional role. Together with China and India,

it will have a real impact on the security perceptions of regional States. All this creates some uncertainties and potential grounds for miscalculation and misjudgement of the kind that uncertainty can lead to. There are also quite a lot of obvious concrete problems. Cambodia is one. I do not wish to pre-empt the upcoming debate on that subject, but Cambodia draws out a number of general points which I would like to mention.

One is the importance of the UN Secretariat itself being engaged in the negotiation of such complex arrangements if they are to work in the future. That has been one of the features of the negotiations on Cambodia, and I think it will be a feature of future negotiations of this kind. Secretariat involvement has already been highly positive. Second, the United Nations will be asked, we hope, to implement a new type of agreement. But I may disagree with Marrack Goulding when he talks about the need for an absolutely clear mandate. Given the nature of this large and complex agreement, with intense suspicion on all sides and an extremely unpleasant history of relationships among the various sides, it may be that there are a lot of "i"s that cannot be dotted and a lot of "t"s that cannot be crossed in the initial settlement document. That document will have to provide for a process of subsequent negotiation as confidence is built and the UN presence comes to be seen as beneficial by the various parties. It might not always be possible or desirable or necessary to dot every "i" and cross every "t", but it will be necessary to provide processes which allow that to be done as the agreement works itself through.

We are familiar with a range of other potential concrete problems in the region: the Spratleys, the Paracels (Indonesia is taking a valuable initiative on that). There is a range of economic uncertainties and problems. To me, the most serious concrete problem the region is facing in the next several years is not Cambodia but Korea. Specifically, it is the commitments of the Democratic People's Republic of Korea (DPRK) to the Non-Proliferation Treaty and the DPRK's possible acquisition of a nuclear capability with the likelihood that this will lead other States in the region to follow its example. In my view, the efforts to address this problem are not sufficiently intense.

What relevance does the United Nations have in these regional disagreements? We all remember the great debate in San Francisco about regionalism vs. universalism, where by and large the founders of the Charter came down on the side of universalism. My own strong view is that this was the correct decision. I agree with Harvey Feldman's comment that if the United Nations is to take major actions, those actions should be taken in New York. That is the place where the information is, where the important mechanisms are, where the great Powers are, where the decisions should be made. There is no compelling reason that I can see for much of that to be moved out of New York. But I do think it is essential to have strong regional institutions which are compatible with the United Nations, perhaps mandated by the United Nations and quite possibly linked formally or informally. This does not mean they have to be UN institutions. One example I can think of is a newly formed institution, the Asia-Pacific Economic Cooperation

Council (APEC), a body for decades in gestation and now in its infancy. It is a body with a high degree of salience to the major economic concerns of the region and is compatible with the purposes of the United Nations, but it does not have to be a part of it. Incidentally, it is my personal view that, if APEC is to show its worth, it is going to have to start moving reasonably soon in practical ways, including on trade liberalization.

The most important organization in this part of the world is of course ASEAN. It is a continuing mystery to me why people raise uncertainties about the durability of ASEAN. "Will it last after Cambodia?" It is an institution that has served its members well. It also serves the region extremely well and other countries that are not members, and will continue to do so. It is the original confidence-building measure among States which, at the time it was born, did have some disagreements among themselves. ASEAN is likely to be the centre-piece of any future security dialogue in this part of the world, and certainly we would want to see it that way, particularly through the "ASEAN Plus" mechanism.

The Co-Chairman mentioned a proposal by Australia for a Conference on Security and Cooperation in Asia (CSCA). From the very first time Australian Senator Gareth Evans spoke of CSCA in Melbourne, it was made clear, and again at the ASEAN Plus meeting last year, that this was not a proposal by Australia for a new architecture or for a new institution in the near term. It was made clear that CSCA might or might not be the kind of thing that would grow organically. What was wanted was a process of dialogue, an exchange of views on security issues, military transparency, confidence-building and so on. Senator Evans more recently described CSCA as a metaphor for a process of discussion and dialogue. My personal view is that CSCA, which I did not think would come about for ten years, may in fact come rather sooner than we expected. But that is just my personal idea, and one with which my colleagues might not agree.

The next thing I would like to mention is arms control, where, it seems to me, our concerns should include the potential for the introduction to this region of nuclear, chemical, biological and exotic weapons technology and ballistic missile technology. This would create a major change in the strategic perceptions of many States of the region. That is why I mentioned the DPRK. Some work has been done on this already. There have been, for example, regional seminars on chemical weapons. But most of this work has to be done, or at least tried, at the universal level, through the Conference on Disarmament, which is linked to the United Nations. Only if it doesn't work at a universal level would you look at it at a regional level, because any regional arms control agreement of this kind may be a bit porous.

I would like to conclude by saying that there is no compelling reason for new UN institutions to be set up to deal with regional issues. Nor do I think that what the Charter contemplates, namely that regional organizations might themselves undertake sanctions or an enforcement action, is any longer a realistic concept. There is a case for building stronger regional institutions modelled along the principles of the United Nations. Harvey Feldman mentioned a recent CSCE meeting of experts on the peaceful settlement of disputes, where a paper was agreed and circulated. Whether this region is ready for such an agreed paper is a subject for discussion and, I think, dispute and disagreement for the time being. But I would like to think that the region would be ready sometime in the next five years.

Those who say Asia is very different from Europe are stating a rather obvious fact. There is in Asia no straightforward fault-line between East and West as there was in Europe. But I remind you that the recent Paris meeting, which has taken CSCE so far forward, and the even more recent meeting, which has taken it even further forward, both came after

the breakdown of the fault-line and, to put it in old-fashioned language, the raising of the "iron curtain". In other words, CSCE continues to have relevance, even though there is no longer a simple fault-line, even though the diversity in Europe is now perhaps as intense as it is in this part of the world. After all, it has been perhaps 80 years since anyone said, "There will be trouble in the Balkans in the spring," but they are saying it now. There is diversity and lack of clarity there the same as here. And yet CSCE continues to have a high degree of relevance and salient value. It is my hope that over the next ten years we will be able to build some of those processes, perhaps with different mechanisms, for this part of the world.

CLAUS VOLLERS

I would like to share with you some ideas on Europe during these last years. Perhaps more than other regions of the world, Europe saw the effect of the change in East-West relations because it was divided by one line between East and West. The East-West conflict was the main feature of the post-war years. When we tried to find out, at the latest session of the General Assembly, the reaction to this change, it was not, as we had expected, that we had a new direction and new world politics. To the contrary, we found that no one was exactly sure what to do with the situation. Although this demonstrates the caution of diplomats, it also necessarily means that we have not overcome all the difficulties in the world, but are just coming around to new difficulties.

The subject this morning is regional arrangements vs. universalism. No one wants too much universalism. A socialist diplomat in New York once told me that if there were a world State, there would be no place to emigrate to. In my country especially, the situation changed with the disappearance of the East-West conflict in its old form, because my country found its unification, and thereby it found an entirely new direction. After the war, East Germany and West Germany were refounded each as a country opposed to the other side. Most of their efforts were directed to this goal.

It was especially moving, for us when, in the first days of October 1989, Foreign Minister Hans-Dietrich Genscher left the General Assembly session in New York rather in a hurry to go via Bonn to Prague. There, in our Embassy, were more than 1,000 East German refugees who had crossed the border into Czechoslovakia. They were in the open courtyard of the Embassy, with no shelter. (October in Prague is not as warm as it is in Singapore.) Mr. Genscher went there to tell these people that, after two weeks, it had been possible to make very complicated arrangements with the German Democratic Republic (GDR) by which they would be allowed to leave the Embassy to go to West Germany. The GDR had insisted, however, that they go through the GDR in a sealed train to make clear to everyone that the country's sovereignty was intact and that it was freely agreeing to this trade. While we were happy to have avoided another potentially dangerous East-West confrontation, we were not at all clear that this was the beginning of a development which fundamentally changed the situation in Europe.

After these events of autumn 1989, things changed a lot and sometimes in a way that the players could not immediately follow. One characteristic was clear among the main players in Europe: both sides, wanting to avoid conflict, were searching for a new formula for security in Europe. The old balance of mutual deterrence had to be replaced by something else, and this something else, in the minds of most statesmen, was a cooperative security arrangement for Europe. This was taken so seriously that, for example, the Soviet Union was prepared in the negotiations not only to allow the GDR to leave the Warsaw Pact when it joined

Germany but also to allow it to be joined to the North Atlantic Treaty Organization (NATO) obligations of West Germany.

The Warsaw Pact is more or less in the process of disintegration. While NATO on the Western side and the Warsaw Pact on the Eastern side were hostile to each other, they did guard the peace for more than 40 years. It was at least a stable situation, if not a very pleasant one. With the slow disappearance of the Warsaw Pact, even in the Soviet Union some experts have discussed whether it is not in the interest of the USSR to strengthen NATO, which remains as the only pillar of stability within Europe to provide effective security.

These changes in Europe have also led to the revival of regional, national and linguistic disputes which, during the East-West confrontation, were subdued by the discipline of the two blocs. Conflicts have come up again that we only knew from schoolbooks, conflicts our grandfathers had to deal with. We have to cope with these old problems, but in a better way than our grandfathers did. We have the impression that this could more easily be done in a cooperative way.

In the last month, everyone has talked about the responsibility of the UN Security Council for the maintenance of world peace and security. The Council took decisive action, citing Chapter VII of the Charter, to counter Iraq's aggression after a regional solution to the problem proved impossible. My country's Constitution prevented us from taking an active part in the military operation. We have been told by many of our friends that this is inadequate in our time and that we have to do something about it. (If we had disregarded the Constitution and had taken part in the Persian Gulf action, we were not exactly sure whether our friends would have been happier with us. It was a question sometimes raised, but not answered.) There is a lively discussion going on in my country with regard to constitutional changes to allow our armed forces to take part in UN operations, either in peace-keeping or in actions under Chapter VII. This discussion includes the question of allowing our armed forces to participate in regional operations for the maintenance of peace.

Chapter VIII of the UN Charter, which deals with regional arrangements, says that agencies relating to the maintenance of international peace and security may be appropriate for regional action. In the dispute between pure universalism and regionalism at the 1945 Conference in San Francisco, these regional arrangements were allowed and even encouraged, provided they were consistent with the principles and purposes of the United Nations and they kept the Security Council fully informed of their activities. The recognized arrangements of this kind—the OAS, the Organization of African Unity (OAU), the League of Arab States, for example—all have as a common aim to organize collective security within their region. Whether it works or not is another question. NATO, an alliance clearly directed towards the external defence of its members and against aggression, mentions the United Nations no less than four times in the 14 short articles constituting its Treaty. In San Francisco, it was agreed that a defensive organization is obviously not a regional arrangement within the meaning of Chapter VIII of the Charter. What

is required is an *inter se* relationship concerned with disputes between its own members.

Of course one could argue, and this is especially true for NATO, that any defence alliance also includes among its purposes maintaining peace among the members. While the admission to NATO of the Federal Republic of Germany meant that the alliance accepted responsibility for that country's defence, it also took responsibility for the country's internal military capability and for keeping it under tight control. The dispute between Greece and Turkey might have been much more violent had they not been members of the same alliance and subject to certain pressure by their allies.

Another organization in Europe is the Western European Union (WEU), which has sometimes been mentioned as a regional arrangement according to Article 52 of the Charter. The Brussels Treaty of 1948 mentions the United Nations several times. The purpose of WEU is largely to promote closer cooperation between its members. Article V, however, proposes mutual assistance in case of attack, in accordance with Article 51 of the UN Charter. It could be argued, although it is rather far-fetched, that this might also mean an attack by one of the signatories of the Treaty. During the Iran-Iraq war, WEU served as a coordinating organ for the activities of several Western European States in securing waterways in the Persian Gulf. At that time, however, the WEU Council made it very clear that this was not an act of WEU, but that the Council was being used only as a means to facilitate the unilateral actions of the different nations.

Particularly with the disappearance of the Warsaw Pact, some people in the West have ventured the idea of enlarging NATO's mandate as well as its territorial range to extend collective security to all Europe. But political, historical and even ideological reasons would probably make this unacceptable to most Eastern European States and first of all to the Soviet Union. So far, there is no other European arrangement capable of providing regional security in the sense of Chapter VIII. But one is definitely in the making.

In a long and very tedious process, taking some 15 years, cooperation in different fields has been cautiously organized between all European States, including, as honorary members, the United States and Canada. CSCE is trying to overcome distrust and isolation by fostering common agreement on principles like the non-use of force, peaceful settlement of disputes, non-interference and the economic and cultural cooperation of States. In the field of security, a system of confidence-building measures relating to arms control and military inspection on the ground was introduced. At the Paris meeting last autumn, the first institutions were created to serve as a framework of stability. There is a Council of 34 ministers, a secretariat being set up in Prague, a conflict-prevention centre in Vienna with its own consultative committee to deal with small incidents. So far, this process has abolished the fear of attack and created an atmosphere of confidence but it has not gone so far as to make possible any common military action. It seems to me that, within a reasonable time, this could be developed. Today, security problems between countries of Europe would certainly require a traditional UN peace-keeping operation. There is, however, a general trend in Europe towards closer regional cooperation in the handling of problems. I think the same can be seen in other regions, in the case of Liberia or the case of the Central American States, for example.

Article 53 of the UN Charter makes the Security Council the first instance of UN responsibility for the enforcement of peace and security, even where regional arrangements exist. It is still the responsibility of the Security Council, under Article 39, to determine a threat to peace or act of aggression, even when it asks a regional arrangement to take action. I would argue, in light of our discussion yesterday,

that the words of Article 52 of the Charter—"regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action"—might mean a wider definition of peace. Within a region, especially a region having certain common trends, the absence of tension among neighbouring States is more important than it is within the world community. Internal strife could also destabilize neighbouring countries. Alvaro de Soto told us earlier that in the five Central American States there was a legitimate interest in coming to grips with the internal opposition, which was having repercussions in neighbouring States. In Europe and CSCE, there is an understanding—it is only a declaration, not an official agreement—that, across the borders, human rights, freedom of information and human relations are the legitimate interest of all States within Europe.

My thesis is that peace-keeping, developed as it was somewhat outside the UN Charter, is something other than what is stated in Chapter VII, which would seem to mean that the world authority, the Security Council, punishes the bad boy. Peace-keeping means a cooperative effort, by everyone involved, to keep the peace. I would suggest that Article 2, paragraph 7, could be interpreted in a much narrower way within a region where there is close cooperation and interdependence. In such a region, it is necessary that peace be kept among the neighbours. A good example, I think, is the European Community, where these days national sovereignty and independence are only relative subjects and where sovereignty is being divided and shared by all the member States. In a lesser way, I think this is also true for CSCE, where a cooperative effort can be made which is not so impeded by national independence as it might be in the worldwide context. Even internal problems, like those in Yugoslavia or Albania, are of concern to the other States and could be solved in a cooperative way, be it militarily or by peaceful means.

JUSUF WANANDI

Let me comment on past and current ASEAN thinking about the kind of regional order we would like to see. One of our ideas was the 1971 Kuala Lumpur Declaration, known by the acronym ZOPFAN (Zone of Peace, Freedom and Neutrality). This idea was further worked out in the Declaration of ASEAN Concord and especially in the Treaty of Amity and Cooperation in South-East Asia, accepted at the first ASEAN summit in Bali in 1976. The Treaty was meant to provide the basis and principles for regional conflict resolution, although it has never been used for conflict resolution. With this philosophy, ASEAN has become a community of peace and security. Papua New Guinea has also accepted the Treaty, signing it just before the 1987 summit in Manila.

Three elements are encompassed by ZOPFAN. The first element is inter-ASEAN cooperation, dialogues and peace, which I think has been established. I am very heartened to hear from my colleague, Michael Costello, that he has confidence in ASEAN's sense of community, peace and security for the future.

The second element is extra-ASEAN, between ASEAN and the other south-east Asian countries, to see the kind of regional order we would like to establish among ourselves. In the communiqué of the first summit in 1976, an appeal was made to other south-east Asian countries, especially Viet Nam, to participate in this regional order. Unfortunately, the Cambodian conflict has hampered these efforts until now.

The third element is the relationship between ASEAN and the great Powers. That is the most difficult part of it. We

have been struggling among ourselves how to perceive this relationship in the same way. I have to admit that while an effort was made in the first years after 1976, it was small because of the Cambodian conflict. The dependency of some ASEAN members on the great-Power relationship became, to a certain extent, more pronounced. Another factor hindering this effort is the asymmetrical presence of the great Powers in the region.

Problems now arise for all of us. Considering the changes taking place in the world, are the ideas of a zone of peace, freedom and neutrality and a nuclear-weapon free zone for South-East Asia still valid? I have pointed out that their validity for the future is very limited. I do think that on the subregional level, among ourselves—that is, ASEAN, Myanmar and the Indo-Chinese countries—a treaty of amity and cooperation could be acceptable. This type of relationship, based on peaceful resolution of conflicts, is still a valid idea among us.

But there is a limit, and that limit is our relationship with the great Powers. Since the mid-1980s, the economic interrelationship, interdependence and even integration of manufacturing has been so extensive that we can no longer talk about subregional South-East Asia. Pressures have arisen to consider the Western Pacific countries as a whole. And, as we have seen in Cambodia, this subregion, on its own, cannot solve the problems among ourselves. It is much more realistic to look for a greater regional entity to solve the problem of regional order.

In the last decade, this region has undertaken much more political dialogue and cooperation. Normalization between Indonesia and China and Singapore is only the latest of all these dialogues. There is much more acceptance of a pragmatic approach to international and regional relationships. Politically and economically, it is conducive to move forward.

Multipolarity is also becoming a reality. While I said that the great-Power presence was asymmetrical in the past, it will become more symmetrical in the future. There is therefore need in the region for more political dialogue and confidence-building measures, as well as for arms control. Several ideas have been advanced during the last one or two years in this regard. Michael Costello has mentioned Australian foreign Minister Gareth Evans' idea, advanced at the ASEAN Post-Ministerial Conference (PMC) in July 1990. Ideas also came from Canadian Secretary of State for External Affairs Joe Clark. At the ASEAN Ministerial Meeting in July 1990, Philippine Foreign Minister Raul Manglapus proposed that political security issues be taken up at future meetings. And former Soviet Foreign Minister Shevardnadze, in his speech in Vladivostok in September 1990, proposed a Foreign Ministers' meeting sometime in 1992.

What kind of institution is relevant to this region? The idea is slowly emerging among ASEAN countries that more use needs to be made of ASEAN PMC. Since other countries have applied for participation in that meeting, it might really be seen as a pinnacle. Whether the PMC is transitional or permanent remains to be seen. APEC has also been mentioned. APEC, however, is mainly geared for economic cooperation and is still very much an uninstitutionalized

process. I am therefore cautious about its becoming an institution for political dialogue as well. The Economic and Social Commission for Asia and the Pacific (ESCAP), which is part of the UN effort for regional cooperation, has too broad a membership.

Then of course the idea of a Conference on Security and Cooperation in Asia and the Pacific (CSCAP) has also been mentioned. I do not want to preclude this idea. I am willing to pursue it further. Governments are too busy—the United States, for instance, is very reluctant even to think about it—so a private initiative would be worthwhile. The ASEAN Institute of Strategic and International Studies (ISIS) is taking an initiative to prepare for such an effort. We do not pretend that we are Governments, but at least we can think how a *modus vivendi* can be established. We think we have furthered economic cooperation in the region by private initiatives through the processes of the Pacific Economic Cooperation Conference, with government officials involved in their private capacity. I think that this is the way we are going to do it, together with friends from the region.

DISCUSSION AND COMMENT

Yuri Fedotov

It is surprising to learn that Soviet experts believe that NATO is the only pillar of security of Europe. However, the opinions of Soviet scholars cover a range extending from the need to preserve the ideals of communism to the restoration of the monarchy. NATO, which does not cover all of Europe, is inconsistent with the idea of a common European home, the Paris Charter for a new Europe, and the atmosphere of trust created by CSCE.

Kishore Mahbubani

A crucial question to ask is what does the Asia-Pacific region include. Does it include, for example, the Soviet Union?

Michael Costello

As a concept, the Asia-Pacific region is slightly fluid; it will be whatever the countries want it to be. In my view, the region includes the Western Pacific, geographically a fairly obvious region, but not South Asia or the Middle East. The Soviet Union will be a part of it in due course.

Kennedy Graham

The Asia-Pacific region, according to the definition used by ESCAP, extends from the borders of the Middle East to the Pacific Islands.

Kishore Mahbubani

Cooperation between the United Nations and regional States in peace-keeping and other arrangements is conceivable in cases like Africa or Central America where States are relatively the same size. In the Asia-Pacific, however, one deals with giants present one way or another in the region—China, Japan, the Soviet Union, the United States, to name four. It cannot be assumed that the same sort of arrangements would apply in both situations. The manoeuvring of the giants—United States–Soviet Union, United States–Japan, China–Japan, possibly Japan–Soviet Union—has an impact on regional security. How does one then devise regional security arrangements to meet the concerns of the smaller States of the region as well as those of the giants?

Tommy Koh

Four south-east Asian States are not members of ASEAN and dialogue partners do not presently include some major and medium-sized Asia-Pacific countries like the Soviet Union, China and the Republic of Korea.

Lau Teik Soon

Expanded ASEAN membership has been discussed for a long time. There are two well-known preconditions: the signing of the Bangkok Declaration and the signing of the Treaty of Amity and Cooperation in South-East Asia. The prospect for membership for Myanmar and the Indo-Chinese States is very good, as it is for expanding the framework of dialogue with ASEAN partners.

Choo Eng Guan

The peace dividend is more easily built on in Europe, where the traditional division has been more clear cut; in Asia, there is a different situation. Post-cold war optimism has generated new ideas for expanded regional cooperation. ASEAN has to be innovative, with the ASEAN PMC process and support of ISIS most welcome. If the ASEAN PMC dialogue is to be extended to address security concerns, there might be a case for the ASEAN countries to arrive at a consensus on regional trends and to agree to a regional framework. While there is political cooperation within ASEAN, with increasing importance given to economic relations, the organization has shied away from discussion on military matters and military cooperation. ASEAN needs to review its reluctance to consider military matters in the regional context. It should also explore the manner of integrating other south-east Asian nations.

Jusuf Wanandi

ASEAN is dealing with political security matters in the Foreign Ministers' Meeting. Military cooperation has been considered outside the ASEAN context. Arrangements are bilateral or trilateral.

Saham Siagian

Discussion within ASEAN of security arrangements will probably increase in light of the forthcoming summit. Subjects for consideration might include inducements to China to be a more predictable Power in the region, the more forthcoming attitude of Japan, and the effect of United States bases in the Philippines. The key to regional security problems in South-East Asia is the solution to the Cambodia problem.

Lau Teik Soon

One should distinguish between military cooperation and cooperation on wider political and security matters. They are not mutually exclusive. Regional defence cooperation should not deter States from wider security cooperation. NATO and the Warsaw Pact did not deter Europe from coming together in Helsinki to discuss a wider concept of security cooperation. It is timely to think of a forum to discuss broad security issues and it is reasonable to focus on the ASEAN PMC approach, including dialogue with partners of regional countries. ASEAN is the centre-piece and it is a step-by-step process. A basis already exists for a CSCA arrangement.

Mohamed Jawhar

The "magic" of the CSCE formula is not as great as it has been thought. Other factors need to be taken into account. CSCE took advantage of the developing trends, and its work has been facilitated by the changes in the Soviet Union. In addition, within CSCE there is a European consciousness, and work has proceeded on a continental basis. Asian consciousness is more diluted and Asian power-metrics are more complicated, with regional Powers playing a larger regional role. Different security concepts prevail in different parts of the region and there are areas of major conflict. Overall arrangements should not be made at the expense of subregional groups. An Asia-wide arrangement is not realistic. However, there is a nascent Asia-Pacific consciousness. While some aspects of CSCE would not apply,

the basic principles of functional and security cooperation would apply. Natural, organic subregional arrangements should be encouraged and reinforced. At the same time, CSCAP should move forward and the UN role in this process should be enhanced.

Harvey Feldman

A retired Ambassador has the privilege of stepping on people's toes. Unlike ASEAN, CSCE countries have given up pieces of sovereignty, as in the area of human rights, acknowledged to be a concern of the community at large. Does the term freedom within, for example, ZOPFAN mean the freedom to do whatever is wished? And what does that freedom mean in terms of the massacre of students in Myanmar? And is there not some way that over-the-horizon problems, like the clear and growing danger resulting from the PDRK's drive to acquire nuclear weapons, might be addressed at the subregional, regional and UN levels? It is also important to note that the United Nations was not absolutely essential to the measures taken in the Persian Gulf. Had there been a veto, the United States and others would not have sat back and done nothing.

Saham Siagian

With regard to freedom in the context of ZOPFAN, it is closely related to national independence, but that does not mean that the importance of human rights is belittled. The commitment to human rights in this region is no less than in other parts of the world.

Takekazu Kawamura

There are different notions of CSCA, which include security cooperation and confidence-building, economic and cultural cooperation and human rights. Although there is no region-wide security problem in Asia, confidence-building is nevertheless needed, but it should be undertaken through a step-by-step approach. Solving questions like that of Korea, Cambodia, and the territorial disputes in which Japan is involved would build confidence. Asia is highly varied, and its diversity will force countries to consider issues in a different cultural framework in which concepts such as human rights or economic systems mean different things in different places. Above all, countries should strive for economic development. As for security matters, it is doubtful that a regularized institution to discuss these broad issues in Asia would be adequate.

Michael Costello

Regarding CSCA: Australia is not proposing a CSCA. However, a region-wide security—not military—discussion and dialogue forum might evolve which successfully employs those habits of dialogue, transparency and confidence-building which seem to emanate from the CSCE process. That does not necessarily mean a human rights basket or an economic basket. ASEAN and ASEAN Plus could be the centre-piece not so much for the new architecture but for the new process of dialogue, discussion and transparency. ASEAN is not now and will probably never be a military organization—and certainly ASEAN Plus will never be—in the way that NATO or ANZUS are military defence pacts.

Jusuf Wanandi

Underlying the diversity in culture, history and size are broad common trends. One is the economic dynamism, interdependence and, to a certain extent, economic integration of the region. This is a forceful factor in establishing good relations. Between Indonesia and China, difficulties have gradually been overcome. Despite Cambodia and the worries about the Korean peninsula, more political normalization processes are taking place. The region does not necessarily want an institution but a process, which in its initial stages will be non-legalistic and informal. Such a

regional dialogue protects small States. Furthermore, in the region there are forces working for human rights.

Peter Chan

The "new thinking" in the region is concerned about preventive medicine and how to build upon positive processes. Asia needs to develop a positive, conflict-prevention approach.

Chan Heng Chee

To think of conflict resolution strictly in national or regional terms might no longer be sufficient. The war in the Persian Gulf has surely sensitized all countries on how to read conflict situations and whom to turn to. Channels between regional groupings and the United Nations might be institutionalized.

Yuri Fedotov

Chapter VIII in particular could serve as a sound legal basis for building, perhaps with Security Council help, a system of effective regional security arrangements in the Persian Gulf area in the post-war period. Arrangements imposed on a region from outside, however, could be counter-productive.

Tommy Koh

When the OAU agreed to undertake a peace-keeping mission in Chad and subsequently requested the support, including the financial support, of the Security Council, the Council declined. Is a regional organization capable of undertaking a peace-keeping operation and what would its relationship be with the United Nations?

Olara Otunnu

In addition to responses by formal regional organizations in situations of conflict resolution or peace-keeping, there are also ad hoc responses, like that organized in Liberia by ECOWAS, an organization with a mandate only for economic cooperation. Contadora and the subsequent groupings in Central America represent an earlier generation of regional response. While regional arrangements in some areas are not likely to resort to the United Nations, but would simply inform the Organization in a spirit of cooperation and exchange, those in Africa need the input of the United Nations. ASEAN seems to fall between the two extremes.

Examples in Africa are Chad in 1981 and Liberia in 1990, where the African countries sought to combine their experience with the UN experience. Although regional subgroupings are well placed and well suited to develop a regional framework for resolving conflicts, they do not have peace-keeping experience, a Security Council, a Secretariat to manage peace-keeping, or the necessary financial resources. But in those cases, the Security Council interpreted narrowly the need for the Council itself to initiate any operation; nor did it want to mobilize the financial resources. In the Chad case, which took place during the cold war, some Security Council members resisted the OAU framework in order, according to one view, to maintain their leverage in the situation and tilt the balance in their favour.

Marrack Goulding

Although there may have been some members of the Security Council who were not keen to see the operation in Chad succeed, there were two interrelated factors primarily responsible for the Council's supine response. The first was money. The other was the feeling that the operation was flawed. The questions of the mandate, command and control, and logistic support were not satisfactorily answered. Because the Council felt the only thing it could do was provide financial support, it called for voluntary contributions. It is possible, however, to imagine that over a period of time the UN Secretariat, in consultation with the secretariat of a regional organization, might work out the mandate and organizational plan of a regional peace-keeping operation. One might imagine a kind of partnership in which, after the two organizations work out together what needs to be done, the regional organization would be the executing agency.

There has been debate in New York on how the United Nations might undertake an enforcement action. Although there is a clear statement in Article 53 that the Security Council may utilize regional arrangements or agencies for enforcement action under its authority, the political problem of regionalism remains. To get around the political difficulties of a region's not wanting the Security Council to dictate what should be done, the Council might subcontract the action to the regional organization. So far, the UN experience in working with regional organizations in this regard has not wholly been a terribly happy one. Much more work needs to be done on how, in practice, the United Nations and regional organizations could work together on these peace and security issues.

Peter Chan

Would this arrangement of having to go through a regional body constrain the ability of an individual State to go to the Security Council?

Harvey Feldman

It perhaps works the other way round. The requesting State comes to the Security Council and the Council might then point the requesting State towards a regional organization.

Tommy Koh

The Charter does not have any provisions which require a State to exhaust regional remedies. A requesting State could therefore decide to resort directly to the Security Council or to a regional or subregional organization.

Kennedy Graham

It would seem that the language of Article 53 intends the Security Council to initiate action and the regional organization to execute that action. As for ECOWAS, did it cite self-defence specifically? If so, there was legal justification under Article 51. But as an organization with an economic mandate, it was a self-appointed group of States, not an ECOWAS peace-keeping exercise, that intervened and engaged in actual fighting against the contending forces. Did they thus go beyond the doctrine of self-defence and protection of nationals? Was it then an enforcement action, without the authorization of the Liberian Government or the explicit authorization of the Security Council? If so, what was the legal justification, or was it an illegal action?

Olara Otunnu

The ECOWAS action was an ad hoc response. The two justifications were the protection of ECOWAS-country citizens and the protection of Liberians against Liberians. It was called peace-keeping, began more like an enforcement measure, then alternated between peace-keeping and enforcement. There was no consent of the Liberian State, because the State had disintegrated, but there was a process within ECOWAS which involved the Liberian parties.

VII

THE UNITED NATIONS PEACE PLAN FOR CAMBODIA

RAFEEUDDIN AHMED

The plan for Cambodia is not yet a "UN plan". It is a draft worked out in November 1990 by the five permanent members of the Security Council and the two Co-Chairmen of the Paris International Conference on Cambodia (PICC), but it has not yet been presented formally to the United Nations. Once the draft has been finalized and approved at a resumed PICC, it will be submitted to the Security Council which, in turn, would then authorize the Secretary-General to proceed with its implementation. But it is true, as Michael Costello said, that one of the features of the process of negotiations has been the constant contact and participation of the UN Secretariat on a number of fundamental elements which have eventually found their way into this draft plan. This is partly reflected in the DPI document circulated to you called "Towards peace in Cambodia", highlighting the involvement of the United Nations in the process leading to the finalization of this plan.

As long ago as 1985, after his visit to the region, the Secretary-General reported to the General Assembly that he found convergence on a certain number of points which could form the basis of an agreement for a comprehensive settlement. Some countries, especially some members of ASEAN, took issue with the Secretary-General on the question of whether there was such convergence. I hope that, in retrospect, they would grant us that we did accurately reflect the situation as it existed at that time. Subsequently, the Secretary-General presented a tentative plan for a settlement, which by and large contained all the elements now reflected in the detailed draft plan agreed upon by the five permanent members of the Security Council.

The interaction between the Secretariat and the Member States involved not only the five permanent members but also ASEAN and other countries in the region, such as Viet Nam and Laos. This interaction has been a continuing and continuous one. I have been invited every year since 1982 to meet with the ASEAN Foreign Ministers at the time of their annual ministerial meetings. We have also maintained contacts with all four of the Cambodian parties in the last two years. This has been very helpful to us in coming to better understand their position and to establish lines of communication, which we hope will eventually serve us well when we come to the implementation stage.

I will not go further into the history of how this draft plan has evolved except to say that, following the framework for a comprehensive settlement agreed by the Five at the end of August 1990, there was the meeting in Jakarta at the beginning of September at which the Supreme National Council (SNC) was formed. The Cambodian seat in the General Assembly was then left unoccupied, avoiding polemical debates and a rise in tension. In October, the General Assembly adopted a resolution, for the first time by consensus, which also provided a way to keep the process going forward in more salubrious conditions. At the end of the year, there was a meeting in Paris between the two PICC Co-Chairmen and the members of the SNC. In the final declaration emanating from that meeting, the SNC stated that most of the fundamental

points in the plan were acceptable to it, and that there were some remaining points which needed to be further discussed within the context of PICC and also among the SNC members.

From the beginning of 1990, when the Five began their meetings, until the conclusion of their work at the end of November last year, a remarkable degree of progress was made. Agreements which could not have been foreseen even a year ago suddenly became possible. We have a comprehensive plan based on a mandate which will be perhaps more far-reaching than any ever entrusted to the United Nations, particularly in two areas. The first area is elections, which the United Nations would be asked to actually organize and conduct. The Organization has in the past, of course, observed or supervised elections, but it has never actually organized or conducted elections. The second area is the supervision or control of those aspects of the administration having relevance to the organization and conduct of free and fair elections in a neutral political environment.

I will devote the next few minutes to elaborating how the United Nations understands the mandate foreseen for it in the various areas and what the Secretariat is doing at this time to prepare itself for the discharge of that mandate. As far as civil administration is concerned, the touchstone of UN involvement will be the relevance to the holding of free and fair elections. The Organization will not actually be engaged in administering the country. Rather, it will supervise or control those acts of the different ministries, offices, departments or administrations, at the central level, the provincial level or below the provincial level, which could have an impact on the holding of free and fair elections. The United Nations would also be responsible for supervision of the maintenance of law and order, meaning that it would supervise and control the police in the country. It would also have a supervisory role in relation to the country's judicial processes to ensure that laws are being enforced and that people have equal access to justice which is fair to all. To carry out this mandate, the United Nations would therefore have a presence in some of the ministries which have relevance to elections; in other cases it would undertake investigations on the basis of complaints which may be launched about actions or inactions which could affect the holding of free and fair elections.

As far as military functions are concerned, the United Nations would verify the withdrawal of foreign forces and their non-return through air, land and sea patrols. It would supervise the non-resupply of weapons and other military equipment to any of the factions. It would maintain supervision over the cease-fire and, under the agreements as they are approved, would also be responsible for the regroupment, cantonment, and eventual disarmament and return to civilian life of the armed forces belonging to the four factions.

The task of organizing and conducting the elections implies that the United Nations would have a role in the formulation of the laws which govern the elections. We would have to have the necessary staff involved in all aspects of the elections, including registration of voters, registration of political parties, publishing of electoral rolls, appeals processes, actual conduct of elections, counting of ballots and declaration of results.

In the human rights area, the UN Centre for Human Rights in Geneva is now preparing an education campaign for Cambodia. The campaign will give the people of Cambodia information about their fundamental rights so that they are fully aware of those rights and can defend them not only now but also in the future. There would also be a mechanism to enable the United Nations Transitional Authority in Cambodia (UNTAC) to monitor the human rights situation in the country and to be able to investigate any complaints of violations of human rights in the period that it is present in the country.

The United Nations would also be responsible for the repatriation of refugees and displaced persons. At present, there are about 320,000 Cambodians in camps inside Thailand along the Thai-Cambodian border. There are also about 11,000 refugees in camps run by UNHCR in Thailand. The Secretary-General has designated UNHCR as lead agency to undertake repatriation, in cooperation with other agencies. The repatriation of these refugees and displaced persons will therefore be carried out by UNHCR under the overall authority of the Special Representative of the Secretary-General appointed to head UNTAC. The High Commissioner's Office has already sent a team to Cambodia, and they have made plans and proposals for the repatriation on the basis of their findings. There is continual updating of those plans in light of the evolving situation. The Secretariat is of course aware that some Cambodians might voluntarily return on their own even before these plans can be put into effect. However, through the education campaign now being carried out in the camps, all these Cambodians are being advised that they should wait in order to return under the aegis of the United Nations. They would then have a better chance of doing so securely, with assistance provided to them for their reintegration into society.

The World Health Organization (WHO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) are cooperating with UNHCR in preparing plans for the reintegration of these returnees into Cambodian society. The United Nations Development Programme (UNDP) is sending a mission to look into how development projects in the rehabilitation phase can be geared towards reintegration. Similar arrangements will also have to be made in respect of the armed forces when they return to civilian life, so that they have an opportunity to reintegrate peacefully in society and begin a new life.

The Secretariat is also working on plans for the rehabilitation of the Cambodian economy after the comprehensive settlement is in place. Two missions from UNDP specifically looked into physical infrastructure rehabilitation: roads, railways, airports, seaports, river ports, energy, sanitation, housing, etc. The reports of these missions will form the basis for the rehabilitation to be carried out once the comprehensive settlement plan is in place. Another mission from UNDP has looked into the question of cooperation during implementation of the settlement plan between the United Nations and the NGOs operating in Cambodia. As you know, inside Cambodia the NGOs have been playing a major role. They have wide knowledge of the country and the problems it faces; hence this special mission. It is very important that their role be recognized, and that the United Nations take full advantage of their experience and expertise once a settlement is achieved.

There has also been a mission to look into the situation of women in Cambodia. During the Pol Pot period in particular, and generally in the conflict situation which existed even prior to the ascendancy to power of the Khmer Rouge, a lot of men were killed. In the society there are a large number of women with dependants but without any male support. The United Nations Development Fund for Women

has sent staff to look at that situation and to establish a presence in Cambodia.

There have also been missions from UNESCO and WHO, both of which are establishing a presence in Cambodia. A UNDP liaison office has recently been set up in Phnom Penh. Prior to that, there was a continuing presence of the United Nations Children's Fund, UNHCR and the World Food Programme.

The UN Secretariat is trying to prepare itself to be in a position to respond to the requirements of the draft settlement plan in all its aspects. The questions of what might be needed in terms of UN personnel and resources are being examined. However, there are major gaps in the available information at this stage, which means that estimates cannot be made. The gaps exist mainly in the area of information concerning military matters. The United Nations does not know, and the parties are not yet ready to provide, numbers, formations and locations of the Cambodian armed elements. Also the authorities in Phnom Penh are not yet ready to provide information about their internal security forces. These two elements are essential for the computation of the requirements for the military and the police components of a future UNTAC.

Regarding the present status of the negotiating process, we are now at a stage where a tremendous amount of progress has been made. We have covered more than 90 per cent of the ground. Moreover, the remaining points have not been totally rejected by one side or the other. In December, all members of the SNC considered that, on most of the fundamental points, agreement had been reached. A few points remained, essentially concerning the return to civilian life, the mention of genocide, the non-return of genocide to Cambodia, and a few relatively less difficult issues relating to the relationship between the SNC and UNTAC. None of the Cambodians has rejected what is contained in the draft plan. Rather, they have indicated a wish to discuss further some points, and I think that they also need to reflect on some of the explanations which have been provided to them.

It is certainly unfortunate that the draft agreements have not been fully accepted at this stage. But with some fine-tuning and some improvements, as Indonesian Foreign Minister Alatas has said, it may be possible to have an acceptable draft which could go forward to a resumed PICC. Of course, before the PICC plenary meeting is convened, there would be need for a Coordination Committee meeting, and prior to that a second meeting of the Co-Chairmen with the members of the SNC. My own feeling is that such a meeting will take place soon, probably next month. At that meeting, we hope, it will be possible to make progress. Either all the remaining issues will be resolved, or some of them will be resolved and on others there will be further discussion and more reflection by the various parties. Basically, however, I am convinced that we are moving forward. We are not at a stalemate. We are at a pause, where people have to reflect and come forward with new ideas, perhaps to overcome the hesitations and concerns that some of the parties have mentioned.

The two PICC Co-Chairmen and I visited Viet Nam and Thailand recently. I came back with the feeling that all sides are keen to have an early settlement. Therefore, I hope very much that in the coming weeks and months we will reach full agreement on the draft settlement documents, with some fine-tuning or improvements if necessary.

KISHORE MAHBUBANI

I would like to thank Rafeeuddin Ahmed for his comprehensive presentation of the plan (referred to in common parlance as the UN plan) because it reinforces my confidence that the United Nations is preparing itself thoroughly and comprehensively for what will be a dif-

ficult exercise. I will try to complement what he said by discussing the political aspects of the Cambodia problem in the hope of finding out why we are "at a pause", not a stalemate.

It is quite awkward for a diplomat to participate in a conference where he has to discuss other countries' positions. I have already sought the understanding of my colleague from Viet Nam, here present, and assured him that what I am trying to do in this exercise is not to engage in any sort of polemical exchange, but to have a healthy exchange of views that would lead to a better understanding of the problem.

In the discussion paper I have circulated to participants, my main thesis is that the Cambodian plan is brilliant. I say that not because it is going to bring about democracy or self-determination for the Cambodian people, though that may be the result. It is brilliant because the reason why we have had a Cambodian problem for about 12 years now has been primarily because it was an object in a power struggle among at least three major Powers. The reason why that struggle continued despite all our efforts was because the major Powers had certain points of view on what the future of Cambodia should be. But fortunately for us, with the end of the cold war, with the rise of the post-cold war era, all the major Powers involved decided that it was no longer worth their while or their resources to prolong this conflict and they therefore wanted a way out. In a sense, the Cambodia peace plan is brilliant because it provides a face-saving way out for all the interested parties, because it creates a level playing-field, allows the Cambodian people to decide who they want to govern them, and none can claim to have won or lost as a result.

Up to about six months or a year ago, the sense I had was that there was a considerable amount of optimism, that we were finally on the verge of a breakthrough and that the Cambodian problem would finally be behind us. Unfortunately it has, as we all know, stalled. I suggest that the main reason for the non-implementation of the Cambodian peace plan is that, in the eyes of at least two interested parties, this UN peace plan was tragically flawed from its inception. It was carefully designed to save face for the major Powers and ensure that none of them was portrayed as a loser, but the Cambodian peace plan also requires at least two of the four recognized Cambodian factions, i.e. those recognized by PICC, to swallow possible political defeat if not political suicide, namely the Khmer Rouge and the Hun Sen regime. It also poses high political risks for one interested neighbour, Viet Nam. The failure to address these two tragic flaws explains why the UN peace plan has not yet been implemented.

Perhaps all is not lost. The hard work of the five permanent members of the Security Council may not go to waste. All the requirements have been spelt out in these documents. What we have to do is create a set of incentives and disincentives to ensure the participation of all the interested parties.

I stress the role of the major Powers because I think it was primarily the Sino-Soviet conflict that fuelled the Cambodian conflict for many years. But it was the decision of the Soviet Union to move to its *perestroika* and also the decision of China to consider the "Four Modernizations" that led the two countries to a new evaluation of their interests in Cambodia. Conceivably, there could have been a Sino-Soviet settlement on Cambodia. I suggest at least four reasons why this would not have been advantageous. First, any Sino-Soviet settlement would have been seen as a settlement between the Khmer Rouge and Hun Sen. The world then and now, and in the future is not ready to see the return of the Khmer Rouge to power, even if only partially. Secondly, Hun Sen, a former Khmer Rouge regimental commander himself, knows quite well that the Khmer Rouge, like any other group of its kind, can never comfortably

coexist with apostates like him. Thirdly, I suggest that it would have also caused difficulties for Viet Nam to see the Khmer Rouge return to power. Fourthly, and perhaps most crucially given the concerns of the Soviet Union and China, it would have been better for them to have an internationally endorsed settlement, because such a settlement would have got some political and economic dividends for them. At the same time, many Western Governments also realized that their cold war reasons for draining Soviet, and I suppose also Vietnamese, resources in Cambodia had diminished and disappeared. Therefore it was also in the national interest of the Western Governments to try to find a solution to the Cambodian problem. Many of them in recent years had developed a particular sensitivity to the problem because every day in the editorial pages of newspapers they were assaulted for being sympathetic to the Khmer Rouge. A settlement would have got the Khmer Rouge threat to them out of their newspapers.

This is where the position of major Powers stood. But, unfortunately from Viet Nam's point of view, the benefits for Viet Nam were never carefully spelt out in the UN peace plan for Cambodia. It was never, for example, categorically stated that with a settlement in Cambodia there would be a definite improvement in Viet Nam's regional or international situation. This could possibly have diminished the incentives for Viet Nam to sign the peace plan. More recently, and I must say that I have no firsthand evidence of this, those who have been to Viet Nam and to whom I have spoken suggest that, as a result of the developments in Eastern Europe, there is a certain sensitivity to the notion of having elections. Elections held in Eastern Europe are about half a world away. But if elections were held in Cambodia, it could have direct impact on Viet Nam. As we all know, the Cambodian border is only 40 miles away from Ho Chi Minh City.

It would obviously not be in the interest of any party to oppose the UN plan directly. It would have been wiser, I suppose, to find defects in the plan. One defect that has been mentioned, and I think Rafeeuddin Ahmed referred to it already, is that there is nowhere a reference to genocide, to the genocide that was committed between 1975 and 1978. Theoretically, this might appear to be a major lapse, and we should insist on including it. The problem is that, if you insist on including it, the political effect is to create a concrete reason why the Khmer Rouge should not sign the document; and possibly you might also create problems for China. Ironically, those who insist on the inclusion of the word "genocide" will only be effectively delaying a settlement on Cambodia. It is puzzling to us that the list includes the same Western Governments who express concern over the possible return of the Khmer Rouge. On the one hand, they say they do not want the Khmer Rouge to return to power. On the other, when there is a possibility of getting a UN peace plan that would effectively kill or destroy the Khmer Rouge, they would then scuttle it by insisting that the word "genocide" be included.

I wanted to stress this point for one particular reason, because I think the discussions on Cambodia in the last ten years have been distorted to some extent by the way in

which the whole issue of genocide has become a political object within some Western societies. It is nowadays fashionable for many Western politicians to stand up and say how much they oppose the return of the Khmer Rouge. It takes no political courage for any Western politician to stand before a Western audience and tell them: "I oppose the Khmer Rouge." But it does take some political courage for a Western politician to stand before his audience and explain to them that in fact if you have a UN peace plan signed by the Khmer Rouge this will destroy them.

In the case of Singapore, the reason why this has become a particularly sensitive issue is that, during the 1981 International Conference on Cambodia, the main issue that arose was the question of who should rule Cambodia following the withdrawal of foreign forces. I think that the Government of China took the correct international legal position, which is that when the foreign forces leave Cambodia, the previous Government assumes the reins of power. The ASEAN States and Singapore opposed it. We said no, given the record of the Khmer Rouge, they should not be allowed to return to power. And we expected at that time that the Western countries would support ASEAN in this dispute with China. We were very surprised to be pressured by the United States to change our position for fear that this would affect US-China relations. And, to make matters worse, not one other Western State, and I repeat that because I was there, not one other Western State stood up to defend the ASEAN countries during the dispute. So it is with some cynicism that we view the moral posturing on the Cambodia issue. In today's context, it is as helpful as having a surgeon in a room where, instead of taking care of the patient and worrying about him, he is standing up and saying: "Isn't this terrible, isn't it awful that this has happened." However, the surgeon who is trying to be cool and dispassionate in analysing the problems of the patient is accused of being morally insensitive. That is the position that those of us face who are trying to suggest a dispassionate solution that must include the Khmer Rouge.

Now I come to the nub of the problem: the role of the four Cambodian parties. The essence of the UN plan is that it will convert what is today a military struggle between the four factions into a political struggle between the four factions. When you convert this contest, those who are militarily weaker would prefer it and those who are militarily stronger would not prefer it. The two parties which are militarily stronger are the Khmer Rouge and Hun Sen parties.

The Khmer Rouge, given their interests, should, I think, oppose this plan. It is in some way mystifying that they have not done so, that they have agreed to sign it. They have voiced no reservations over the plan that has been shown them so far. I suspect it is because they have shrewdly calculated that the work of blocking the plan could be done for them by Hun Sen. So far, anyway, they have been proved correct, because it is the refusal of Hun Sen to accept the plan as it now stands that has caused its implementation to be blocked. The only way to call the bluff of the Khmer Rouge is for Hun Sen and Viet Nam to sign the plan immediately and unconditionally. It may be possible to persuade Viet Nam that its larger national interests would best be served by an early Vietnamese signature. It could bring about a reconciliation between Viet Nam and its erstwhile adversaries as well as open the door for normal relations with all of its neighbours. By contrast, failure to sign could further aggravate Viet Nam's disadvantageous position in the post-cold war era and ensure that Viet Nam will continue to slip far behind its prosperous East Asian neighbours. In short, Viet Nam might be persuaded to sign.

For the members of the Hun Sen regime, it may be more difficult. They have a choice of sitting in Phnom Penh,

enjoying the fruits of political office, hoping that, over the course of time as the world gets exhausted with the Cambodian problem, more and more countries will gradually recognize Hun Sen and that they then will become *the* government of Cambodia and survive as long as Najibullah is doing in Kabul. On the other hand, if they sign the UN peace plan and the UN conducts elections, their prospects of being re-elected are slim. If the country is opened up and a whole new political process starts, their capacity to survive may be very limited. And therefore it might be rational for them to continue to oppose the UN peace plan.

Finally, I pose the question, who can persuade Hun Sen to sign the UN peace plan? If he does not sign, what should the international community do? What should be the correct political response to his scuttling of a brilliant peace plan? And who would have sufficient weight and influence to nudge the Hun Sen regime? What incentives can be created for him to sign on? I suggest that these are the questions that need to be addressed today if we want to convert the UN peace plan from what is presently a brilliant theoretical framework to a political reality.

LE KIM CHUNG

I have had the opportunity over the years to have working relations with the United Nations. But today I come to the symposium as a lawyer from Viet Nam. I will contribute some opinions of my own on the settlement of the Cambodian question and on the role of the United Nations.

Throughout its nearly half century of existence, the United Nations has made ceaseless efforts to achieve one of the primary objectives set out in Article 1, paragraph 1, of its Charter—that is, to maintain international peace and security. The reversal of the cold war and the enhancement of international cooperation during recent years have brought about better prospects for the United Nations to contribute to the resolution of various regional conflicts and to the maintenance of peace. However, the United Nations has been unable to prevent all outbreaks of war, such as that in the Persian Gulf recently. So challenges remain which demand that the United Nations be more effective in the maintenance of peace.

I have been following the question of Cambodia for the last 12 years. I am now glad to see that the path towards peace through dialogue for this unfortunate country has been opened and is progressing towards a decisive stage. With the results achieved at the first and second Jakarta Informal Meetings (JIM I and JIM II), during the discussions between the Cambodian parties, at PICC, and through other efforts, the parties concerned have agreed on the basic elements of a comprehensive political settlement of the Cambodian question. The elaboration of documents to serve as a basis for a UN peace plan on Cambodia has been the concrete step of that process. The progress achieved in the search for a comprehensive political settlement has been the commendable result of broad international cooperation—progress that could hardly be perceived as possible only two years ago.

I accord high appreciation to the tireless efforts of the Secretary-General of the United Nations and Under-Secretary-General Rafeeuddin Ahmed, who have been dedicated to the path of dialogue right from the first long years of polemics and confrontation at the United Nations on the question. I also appreciate the efforts made by the various Governments in and outside the south-east Asian region, especially the efforts made by the Co-Chairmen of PICC and the permanent members of the UN Security Council. I would like to stress also all the contributions made by Viet Nam itself to paving the way towards a

solution to the Cambodian question through peaceful negotiations.

As stated in the document "Towards peace in Cambodia" published by DPI in September last year, since the very outset Viet Nam has welcomed and closely cooperated with the efforts of the UN Secretary-General. Viet Nam, together with Indonesia, has initiated the process of dialogue that led to the JIM negotiations in Jakarta. After PICC in August 1989, Viet Nam decided to withdraw unilaterally all of its voluntary forces from Cambodia to demonstrate its goodwill and to facilitate the resolution of the outstanding issues of PICC, helping to accelerate the early achievement of a political settlement of the Cambodian question. The withdrawal has also demonstrated the determination of Viet Nam to do its utmost to facilitate the political settlement.

From that general progress achieved, the Co-Chairmen of PICC and the five permanent members of the UN Security Council put forth on 26 November 1990 draft agreements elaborating in detail the settlement on Cambodia, in which the United Nations is to play an enhanced role. Viet Nam had earlier welcomed the Five's documents of 28 August 1990 to serve as a basis for the elaboration of the settlement agreements on Cambodia. Issues relating to the international aspect of the question, on which the parties concerned have reached agreement, were included in the draft agreements of 26 November 1990. However, in this respect only one issue, that of the prevention of genocide, has not yet been fully addressed. Effective measures to prevent forever the return of genocide to Cambodia have not yet been sufficiently provided. The crime that took place in Cambodia during the years between 1975 and 1978 was a horrible one, involving massacres of the Cambodian people and destruction of the country. As a lawyer, I think that the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity should be applied.

On the other hand, the draft agreements have addressed in detail issues that relate to Cambodia's internal affairs. These issues belong to Cambodia's sovereignty and therefore, in my opinion, are for the Cambodian parties within the Supreme National Council of Cambodia to discuss and decide. I have no concrete idea about the substance of the provisions in this regard, but I think that provisions of the draft that relate to Cambodia's internal affairs usefully serve as suggestions for the Cambodian parties to make their choices. They will discuss among themselves and make the final decisions regarding those matters, based on national reconciliation and accommodation. The Cambodian parties have the right to make the final decisions, and nobody can decide those matters on their behalf. Foreign countries have the obligation not to interfere in Cambodia's internal affairs but to respect all decisions of the SNC in this regard. Viet Nam, for its part, has on many occasions stated that it will respect all decisions that the SNC may make concerning Cambodia's internal affairs.

What is of great urgency now is that the international community must undertake practical measures to prevent the internal war (which is now in danger of escalation), to encourage and facilitate the national reconciliation of the Cambodian parties and the resolution of their disputes, and to arrive at agreement on Cambodia's internal affairs. Foreign countries, therefore, should urgently apply a moratorium on all military aid to the Cambodian parties, as called for by the Soviet Union and the United States on 23 September 1989. In that spirit, Viet Nam has declared its readiness to undertake, together with Thailand and Laos, not to allow any transportation of other countries' weapons through their territories into Cambo-

dia and proposed that the implementation of those commitments be placed under the supervision of the United Nations. The Co-Chairmen of PICC and the Secretary-General of the United Nations are urged to do their utmost to achieve the moratorium on military aid to the Cambodian parties and the cease-fire in Cambodia until the comprehensive settlement agreement is signed.

International and internal aspects are, of course, closely interrelated in a comprehensive settlement of the Cambodian question. The international community and the United Nations have an important role to play in assuring the success of the settlement by facilitating agreement among the Cambodian parties and the decision on Cambodia's internal affairs. At the same time, they have an obligation to respect Cambodia's sovereignty. Judging from the experience of Viet Nam and, I think, that of the United Nations itself in settling the various regional conflicts, that matter, both in principle and in practice, has been clearly proved. The recent UN mission which successfully brought Namibia to independence also demonstrated that the United Nations could play an important role in facilitating the process by which the parties directly concerned in Namibia decided matters on their own.

In conclusion, I would like to reaffirm that Vietnamese people from all walks of life—intellectuals, social and cultural activists as well as politicians—have all welcomed a more important role for the United Nations in a world of many and rapid changes in settling regional conflicts and disputes, maintaining international peace and security in general, and in resolving the Cambodian question in particular.

In so doing, the United Nations will successfully accomplish its noble task and the commitment contained in the preamble of the Charter: "to unite our strength to maintain international peace and security". In recalling this solemn commitment in the Charter, I wish to stress that an important and effective UN role should be based firmly on the full respect of the UN Charter and of the sovereignty of the States Members of the United Nations.

DISCUSSION AND COMMENT

Hisashi Owada

At the beginning of his remarks, Kishore Mahbubani gave us a timely reminder, which is particularly relevant as we begin a political discussion of the current problem, still very much a burning issue. He reminded us that what the presenters and interveners say does not [necessarily] reflect the official positions of the institutions to which the speakers belong.

Michael Costello

Although the easy solution would be for the West to recognize the Phnom Penh regime, Western Governments have been dispassionate in the complex judgements they have made regarding an arrangement which includes the Khmer Rouge. It is not fair to characterize, as did the discussion paper, a moral commitment as moral self-righteousness. As for the five permanent members of the Security Council, they do not form a directorate; rather they have worked in conjunction with other countries, including countries in the region. The fundamental agreement was achieved in Jakarta, under the co-chairmanship of France and Indonesia.

The distinction made by Viet Nam between internal and external factors is a non-issue, since no one disputes that the four Cambodian parties have to agree to all points. Nor is it helpful to keep insisting that a cease-fire and an end to outside arms supplies must precede an agreement. Although both concepts are desirable, China

has made it clear that it will agree to these points only in the context of a comprehensive peace settlement. There is an urgency in reconvening the PICC Coordination Committee to see how the Five's text can be taken forward. One should not now start a process of placing blame for failure; the Cambodian settlement process is still very much alive.

Kishore Mahbubani

The issue of the Khmer Rouge is highly charged in many Western societies. This creates a terrible dilemma for many Western Governments. On the one hand, these Governments know that the only way to secure peace in Cambodia is through a peace settlement which includes the Khmer Rouge. On the other hand, they may face adverse domestic consequences if they advocate the inclusion of the Khmer Rouge in a peace settlement. To save their skins, the Western Governments will therefore not advocate the inclusion of the Khmer Rouge even though they are fully aware that this would only prolong the misery and suffering of the Cambodian people because it would mean that there would be no Cambodian peace settlement.

Alexander Thomson

The Western media on the subject of Cambodia have not been hysterical, to use the word of the discussion paper, but indifferent, very often neglecting the subject. When countries in this region look at the Western press, they perhaps misunderstand its role in Western societies. It is to be hoped that an argument is not being built up by which the hysterical Western press is blamed for influencing public opinion which in turn influences Western Governments, which are then blamed for scuttling a UN peace-keeping plan. One problem for Western journalists in Cambodia is the track record of deceit of the Khmer Rouge. Speakers have stressed the sensitivities in this region about what Japan did many decades ago and the need for Tokyo to earn trust. People in Cambodia are much more sensitive about what happened much more recently and feel that the Khmer Rouge need to earn some trust. Since the Khmer Rouge have been persuaded to participate in the UN peace plan, does this mean that they have agreed to their defeat if not their suicide? And if Hun Sen accepts the UN plan, as part of calling the Khmer Rouge's bluff, will the Khmer Rouge then be forced to resist the plan, thus returning the process to square one?

Kishore Mahbubani

There is a consensus now among those directly involved that the roadblock lies with Hun Sen. The only way to clarify this is to convene PICC tomorrow. Although everybody else would sign, because they have all decided to have a UN solution for Cambodia, Hun Sen has not yet made that decision. As for elections, although the two non-communist groups are flawed, when the people of Cambodia are given a choice they will make the choice that has been made globally. South-east Asians are no different from Europeans. They understand that non-communist systems work and communist systems do not. This is evident in South-East Asia. Hun Sen knows this. If he was confident of winning the elections, he would sign the UN peace settlement today. The fact that he has refused to do so demonstrates that he does not believe that he can win the elections.

Given the gap between private discussions on Cambodia, where there is a consensus on where the problem lies, and public discussions, has anyone suggested publicly that the source of the problem today is not the Khmer Rouge? As for accepting political suicide, the Khmer Rouge have no choice, since they realize that if they do not go along with the permanent five process, they could

be completely killed. The permanent five process at least gives them a chance to participate in the political settlement. Knowing the global trend against them, they choose to accept the little bit from the UN settlement rather than to get nothing at all. Furthermore, one must not discount the persuasive powers of China, which has committed itself to the permanent five process. If Hun Sen accepts, will the Khmer Rouge oppose? If they could believe that they would get continued support from somebody, they might try. The crucial point about Cambodia today is not the details of disarmament or cantonment. When an impartial and transparent institution like the United Nations goes into Cambodia, the entire chemistry of Cambodia will change. At that point, the Cambodian people will finally speak out and say what they really want to say. All those who refuse to sign the peace settlement are in fact depriving the Cambodian people of an opportunity to speak their views freely in a political environment controlled by a UN administration.

Jusuf Wanandi

The current effort to settle the question of Cambodia might be the last chance to do so, and to kill it with academic debate would be a disservice. To counter a certain public opinion fatigue with this question, those involved in the effort need all possible support.

Mohamed Jawhar

Do Viet Nam and the SNC agree to UN administration of ministries which have an influence on elections?

Li Yong Ming

If the external aspects of the Cambodia problem are to be dealt with by the United Nations, and the internal aspects by the Cambodian parties themselves, what is the Vietnamese stand with regard to the UN role in matters such as the general elections?

Le Kim Chung

Viet Nam believes that a global settlement consists of both internal and external aspects. The external aspect includes the withdrawal of foreign troops and verification of this withdrawal, a cease-fire and its verification, and the cessation of foreign military aid to the different Cambodian parties, all under the supervision of the United Nations. These questions were discussed thoroughly in the various committees at PICC, along with the questions of non-alignment, national sovereignty and reconstruction. The internal aspects include the choice of a constitution and future governmental and economic systems, and are within the competence of the Cambodians themselves through the SNC. This distinction facilitates a division of labour. As for the external elements, they have been agreed except for the question of genocide. When all of these questions are resolved, there will be a global solution. Viet Nam's position is based on the experience of the International Conference on the Settlement of the Laotian Question, 1961-1962, which took place in two steps. After the three Laotian princes met for one year to settle the internal aspect, the Conference met to approve the comprehensive approach.

Claus Vollers

Since the agreement on Laos went sour, and the civil war was decided by force in 1975, Laos should not be cited as an example for solving the question of Cambodia. Furthermore, since 1978 the situation in Cambodia can no longer be considered internal, given the involvement of neighbouring and other countries. In the case of Namibia, the international community decided how the situation should be solved, and the parties agreed, as all parties to the Cambodia conflict will have to do. As for the question of geno-

cide, no Western Government, with the laudable exception of the British Government, nor the Government of Viet Nam, called it genocide at the time the genocide happened. With regard to free elections, where is there evidence that the two non-communist factions in Cambodia will win? Although there might not be much support for the two communist factions, the other factions are badly organized. It is of course for the Cambodians to decide, but the outcome could hardly be predicted.

K. S. Sandhu

The Laos solution is like putting the clock back, since it not only led to war but also to tutelage. Time is not on the side of Cambodia, as people might turn their attention to new questions. Perhaps, drawing from the active role of the United Nations in the Persian Gulf situation, the Organization might apply pressure and sanctions to move particularly Hun Sen and Viet Nam to arrive at a solution. Viet Nam is a major player. It is shadow play to shift the focus of attention to the four parties.

Le Kim Chung

The presence of the United Nations in Cambodia and its important role are necessary. Everything depends on the SNC. There is no contradiction between the important role of the United Nations and leaving the internal aspects to the different Cambodian parties. The two matters are complementary according to the principles of the UN Charter. They need to be solved together, in parallel, but the internal aspect is perhaps the more difficult. It is necessary to apply pressure, and an effective way of doing so is to cease all foreign military aid, obliging the factions to sit and talk. As for the international dimension beginning in 1978, the international community was witness to a genocide but then did very little. Viet Nam acted to stop the genocide and to stop the aggression against it. Afterwards, when Viet Nam withdrew its forces, the Cambodian problem once again became internal. The UN Charter should now be applied.

No comparison can be made between the Persian Gulf crisis and the Cambodian problem. In the Persian Gulf, there was a foreign invasion, but in Cambodia the problem concerns opposing internal factions. There is no reason for the United Nations to use force.

Sabam Siagian

Are there two documents, the document of the Five and the PICC framework?

Rafeeuddin Ahmed

There is now only one set of documents before the international community, which was attached to the final statement made on 26 November 1990 entitled "The proposed structure for the agreements on a comprehensive political settlement of the Cambodia conflict". This set of documents is based upon the framework of the five permanent members, to which reference has already been made, and which is dated 28 August 1990. The UN Security Council has endorsed this framework and has taken note of the fact that it was accepted in its entirety by the Cambodian parties in Jakarta in September 1990. The Council also asked the two Co-Chairmen to elaborate further concrete agreements on the basis of the framework. The four elements of the proposed structure are: first, the Final Act, which has not yet been drafted, because it will be a factual statement of what actually happens at PICC, including at its resumed session. The second element is the "Agreement on a comprehensive political settlement of the Cambodia conflict", with five annexes. The third element is an "Agreement concerning the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia". The fourth ele-

ment is the "Declaration on rehabilitation and reconstruction of Cambodia".

Baden Teague

What consultations have taken place between the United Nations and the countries of the region regarding preparations to act on the comprehensive settlement? Are others besides Australia prepared to participate?

Rafeeuddin Ahmed

Consultations are essential with the neighbouring countries, because any UN operation will need their cooperation. There have been preliminary contacts with the Thai authorities to consider the areas in which their cooperation will be necessary, for example in the return of refugees and displaced persons, the monitoring of the non-supply of arms and equipment, and the return of any fighting forces from outside the country after the cease-fire. The cooperation of Viet Nam will be needed to carry out certain functions, and Laos has also been informed.

Participation of contingents in an operation is always dealt with after the Security Council has authorized implementation and always in consultation with the parties directly involved in order to ensure their cooperation. While a number of countries, both from the region and elsewhere, have indicated their interest in contributing military and civilian personnel, and others may still do so, the finalization of the composition of UNTAC will come only after the Security Council has agreed.

Bernard de Montferrand

While Rafeeuddin Ahmed's view is optimistic, and Kishore Mahbubani's stresses the inactivity of the past few weeks, it should be recalled that there is, for the first time, a complete structure of negotiations organized on the level of the United Nations, on the level of ASEAN and the regional countries, and on the level of PICC. For the first time also, comprehensive papers on the table deal with all the aspects of the problem. This work has all been done since July 1990. The remaining subjective disagreements are limited to two main questions: how to express the non-return of genocide, and the modalities of regrouping and disarming the forces. Even in the absence of significant movement in the last four weeks, discussions continue. Because the behaviour of Governments is animated by national interests, there is a real chance to progress. It is in the national interest of Viet Nam to put an end to the matter. Furthermore, the national interest of Cambodia again has a place to express itself, through the Supreme National Council, which did not exist a few months ago. It is probably the best source for future progress. Another incentive is the press, not only the Western press but also the international press. If there had been no international press, Cambodia might be compared to Equatorial Guinea or other countries which suffered awful treatment without anyone knowing outside.

Stella Cornelius

Can more information be provided about UN plans to assist in demobilization and reintegration to civilian society of demobilized forces?

Rafeeuddin Ahmed

Reintegration is the last stage in the step-by-step military arrangements. The first stage is the regroupment of the forces of the four parties. Procedural information will be communicated through the forces' own chain of command, as well as by radio broadcasts or leaflets dropped in the area where the armed forces are said to be operating. Once the regroupment process is completed to the satisfaction of the United Nations and the parties concerned, all the parties will be informed. Provision will be made for carrying out investi-

gations at the request of any party, and for corrective action. The next stages are cantonment, collection of arms under UN supervision, and placement of arms in UN custody. The fifth and final stage involves the return to civilian life. To avoid upsetting the social and economic fabric of the country, this stage will be conducted in a phased manner. It is important that all the parties in Cambodia feel assured that the plan is being implemented in good faith on all sides under UN supervision. Although it is foreseen that this will be a rather slow process, there is a definite timetable which will be completed by the deadline for the registration of voters. In that way, all the people of Cambodia will be able to register and begin to take part in the political process, without constraints or the control of any faction.

VIII

SUMMARY AND CONCLUSION

TOMMY KOH

Our colleague Joe Sills has given Hisashi Owada and me, as Co-Chairmen, a very onerous task. He wants us to sum up these last three days extemporaneously. I think it would be foolish to try, for two reasons: the rapporteur has been taking extensive notes, has a tape recording of the whole session, and will eventually publish a final report. Second, in view of the late hour, I think it would be best if we were to confine ourselves to a few comments which have attracted our attention and made a mark in our minds. We will therefore not attempt to be comprehensive, but we hope that we will complement each other.

Let me just make, Mr. Co-Chairman, a few remarks. First, I think all of us at this symposium are aware of the fact that we live in one of those grand moments in world history when we have an opportunity to redesign the architecture of the world political order. In some regions of the world, we also have an opportunity to modify the existing regional political and economic order. Meeting as we do immediately after the end of the cold war and the Persian Gulf war, it is inevitable that the question was posed by many: "What lessons can we learn from the Persian Gulf war and what expectations can we realistically have about the future?" Concerning the end of the cold war, we heard around the table a note of caution. While we can certainly hope that, with the end of East-West confrontation, the five great Powers will cooperate more often to build a more stable and secure world and will try to reanimate the provisions in the UN Charter on a collective security system, we must not expect unrealistically that the future will be free of regional and local conflicts. Harvey Feldman, Yuri Fedotov and Olara Otunnu warned us that we must expect a continuation of local and regional conflict.

It is difficult, so close to the end of the Persian Gulf war, to know exactly what are the right lessons to learn from that war which one can extrapolate into the future. Indeed, having read Barbara Tuchman's famous essay on learning from history, I am forewarned that we often look to history merely to find evidence to justify our *a priori* assumptions.

Let me make three brief comments about the Persian Gulf war. First, in the case of Iraq's invasion of Kuwait, we had a situation of fact which, as Olara Otunnu said, was relatively unambiguous. It was, if you like, a textbook case of State A committing aggression against State B. In future cases, the situation of fact may be less clear and more ambiguous. It would therefore be more difficult for the UN Security Council and the international community to make a quick and clear judgement that an act of aggression has taken place.

Second, there was a confluence of factors which enabled the five permanent members of the Security Council and a majority of the non-permanent members to work together on the same side. We were warned, correctly I believe, by Harvey Feldman not to expect that in every future crisis there will be such a congruence of national interest among the Five or among the Five and the non-aligned members of the Security Council.

Third, the fact that the United States led a coalition of some 38 countries and amassed a very considerable combined force able to repel Iraqi aggression must not necessarily lead us to conclude that in the future the Security Council and the international community will conduct themselves in the same manner.

Let me go on to the fourth point. The UN role in preventive diplomacy was emphasized throughout the symposium. Indeed, I think everyone agrees that it is far more important to prevent disputes from escalating to conflicts than to try to put out fires after they have started. In this respect, the central role in preventive diplomacy, by way of the exercise of good offices, mediation and fact-finding, must be undertaken by the Secretary-General. I think there was a consensus around the table that the membership of the United Nations in general and of the Security Council in particular should support and enhance the Secretary-General's role in preventive diplomacy.

Olara Otunnu suggested three new ideas. He suggested that the Security Council and the Secretary-General should arrive at some understanding whereby the Security Council would give to the Secretary-General a certain room for initiative, a certain leeway for action, along with the necessary political support to carry out such initiatives. He suggested, for example, that the Secretary-General could invoke more often Article 99 of the Charter; or that the Secretary-General be given the prerogative of asking for an advisory opinion from the International Court of Justice, a power which he presently does not have but which does reside in both the Security Council and the General Assembly.

In talking about enforcement action, we spoke both about non-coercive measures and the use of force. My feeling, Mr. Co-Chairman, was that on non-coercive measures we did not have a very good discussion. I do not believe that we discussed sufficiently the question of the use of non-coercive measures, such as economic sanctions and perhaps other non-coercive measures, in order to force compliance. We all agree, of course, that non-coercive measures must be exhausted before force is used, and that force must be used as a last resort.

Concerning the use of force, I heard two views around the room. One view, represented for example by Yuri Fedotov, was that in the new ambience in which we live it is time for us to return to the uncompleted work of the past, to revive the UN Military Staff Committee, to try to spell out the mechanisms that will enable the United Nations to carry out collective enforcement action. Another view I heard was that this would be ideal but unlikely to be achievable. In some cases, the UN Security Council would be able to carry out enforcement action itself. In other cases, such as the Persian Gulf war, because of the scale of the forces involved, the Security Council would have to adopt a resolution, like its resolution 678, enabling those Member States which are willing to do so to enforce the Council's resolutions, or, to use Olara Otunnu's words, "to farm out" the enforcement action.

On the role of the United Nations in peace-keeping operations, Marrack Goulding gave us, I thought, an excellent briefing. He said that peace-keeping operations are often differentiated between the traditional, or classical, type and the so-called non-traditional, or new, type. The traditional type is at the request of a State or interested party, and the United Nations then sends lightly armed or unarmed soldiers with their famous blue berets and interposes them between belligerents. One should not mistakenly think that all UN peace-keeping operations in the past conformed to this so-called traditional modality. The UN role in West Irian and the Congo included additional elements, elements of civilian administration and the supervision of the electoral process. In the case of the Congo, it included the prevention of dismemberment of a newly independent State and the creation of infant institutions. However, it is clear that the

United Nations is faced with demands which are relatively new. We have seen, in the case of Namibia, a UN peacekeeping operation of very considerable size and complexity. We are likely to be confronted with a similar request in the case of El Salvador, if there is an agreement, and in the case of Cambodia, if all the interested parties sign on.

But there is a new category of requests. These are requests to the United Nations to play a helpful role which does not include a military component. We have seen UN involvement in two such recent actions: in Nicaragua, in monitoring a free and fair election, and in Haiti. The question was asked whether the United Nations should or should not waive its traditional reluctance to accede to requests to monitor national elections. It was pointed out by Alvaro de Soto that, at the latest session of the General Assembly, the Assembly adopted a resolution asking for the views of Member States on this question. In my view, there is some likelihood that the United Nations will be requested to play this role, although, as Harvey Feldman said to us, non-governmental institutions, such as NAMFREL in the Philippines, as well as other intergovernmental institutions, such as the Commonwealth, will also be requested to play such complementary roles.

Finally, we face the difficult question of Article 2, paragraph 7, of the Charter. The question was asked whether, when the United Nations agrees to take on a request such as monitoring a national election, it is not an interference in the domestic affairs of that State. The answer was that surely it cannot be an interference if it is at the request of the Government of that State, i.e. consent waives Article 2, paragraph 7. But is consent enough, someone asked. Do you not require, in addition to consent, that the situation should have an international dimension? This question was, I think, not answered with any conclusiveness. Some people felt that it was very difficult indeed to find a situation which did not have an international dimension. Others argued that there could be situations where the international dimension would be absent. Then the question was asked, how would the doctrine of consent apply if the institutions of the State had completely broken down and you had a situation of chaos, such as we saw in Liberia. Can the United Nations, in such a situation, intervene and take on the role that States used to arrogate to themselves in the pre-1945 era under the doctrine of humanitarian intervention. I think Harvey Feldman would like the United Nations to go in that direction, but I am not sure whether he has the support of all our colleagues around the room.

Next, we considered relations between the United Nations and regional organizations. The United Nations has had in the past a rather uneasy relationship with regional organizations in the field of conflict resolution and peace-keeping. I think it would not be incorrect to say that the relationship between the United Nations and the OAS, and the United Nations and the OAU, has not always been a happy one. The challenge to us is to find a new partnership between the United Nations and regional as well as subregional organizations. Olara Otunnu would add to the agenda regional initiatives which are of an ad hoc character, such as the initiative undertaken by the member States of ECOWAS. I think this is a